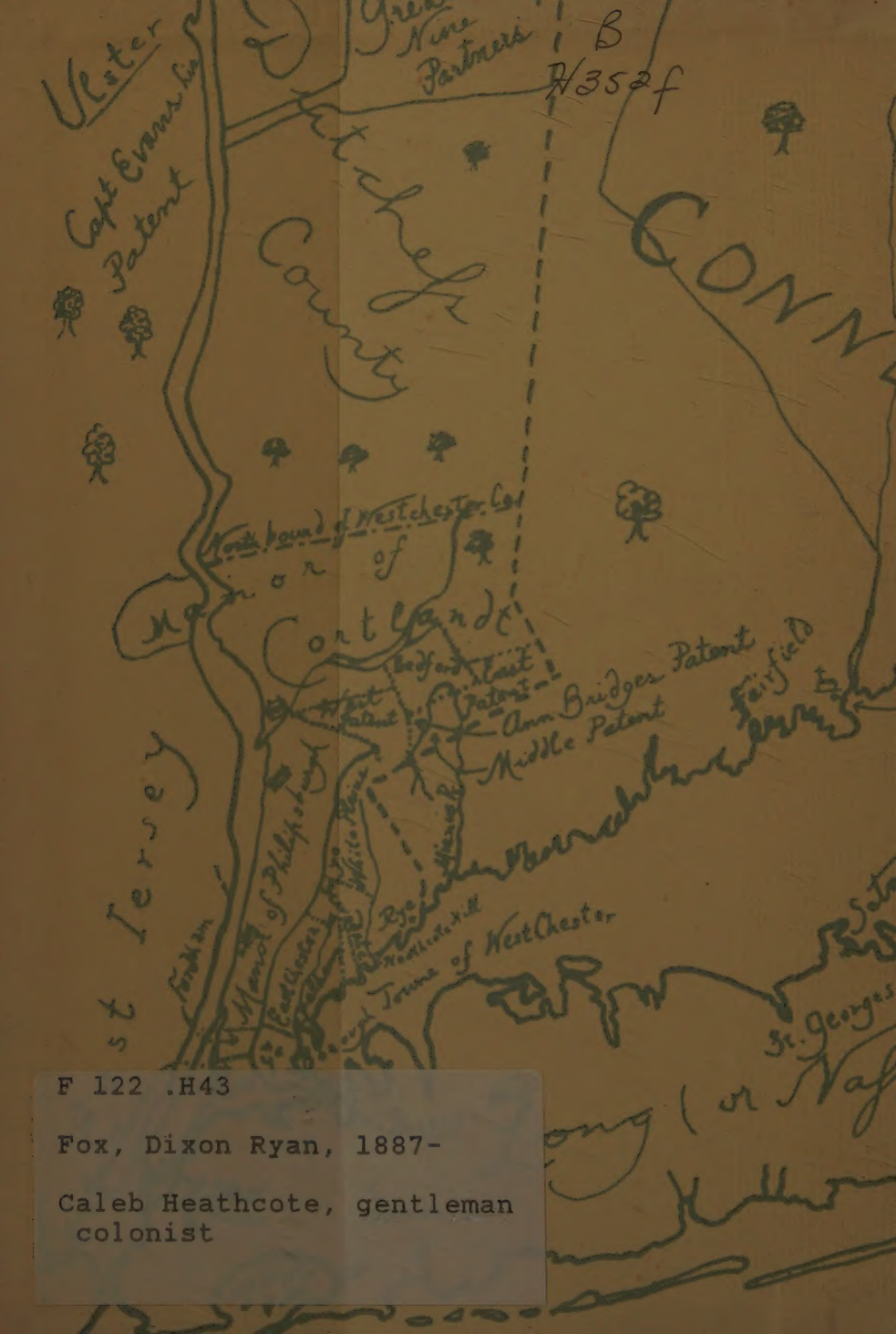
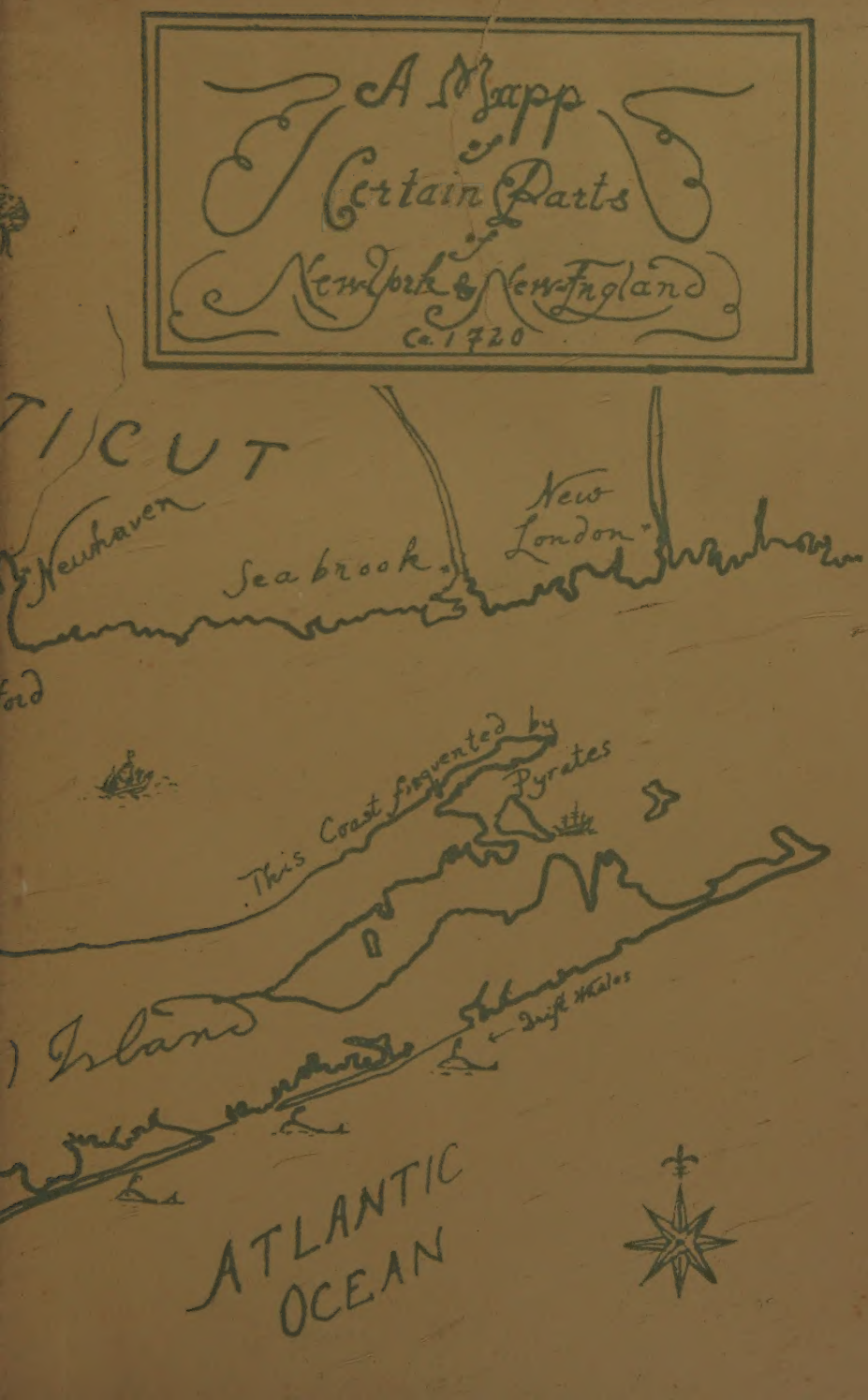


F 122 .H43

Fox, Dixon Ryan, 1887-

Caleb Heathcote, gentleman colonist


A Mapp
of
Certain Parts
of
New York & New England
Ca. 1720
TICUT
Newhaven
Sea brook
New
London
This Coast frequented by
Pyrates
Island
Swift Wales
ATLANTIC
OCEAN

CALEB HEATHCOTE

GENTLEMAN COLONIST

Caleb Heathcote

CALEB HEATHCOTE

GENTLEMAN COLONIST

The Story of a Career in the Province of New York
1692 - 1721

BY

DIXON RYAN FOX

CHARLES SCRIBNER'S SONS · NEW YORK
1926

DOMINICAN COLLEGE LIBRARY
San Rafael, California

B
H352f

COPYRIGHT, 1926, BY
CHARLES SCRIBNER'S SONS

Printed in the United States of America

63508

TO
THE TOWN CLUB OF SCARSDALE
IN WESTCHESTER COUNTY
NEW YORK

CONTENTS

CHAPTER I

In which a young merchant named Caleb Heathcote leaves England under romantic circumstances, adventures to the New World, and without delay takes up an honorable part in a somewhat disreputable government . 1

CHAPTER II

In which Caleb Heathcote, aged twenty-six, takes charge of a county 44

CHAPTER III

In which Caleb Heathcote follows the fashion, acquires (with some others) a hundred thousand acres, more or less, and, incidentally, an insight into certain practices of government not outlined in instructions from Whitehall 65

CHAPTER IV

In which Caleb Heathcote becomes lord of the manor of Scarsdale 96

CHAPTER V

In which Caleb Heathcote rounds out his career in local administration by three years' service as the Mayor of New York. 124

CHAPTER VI

In which Caleb Heathcote, as a man of business, advances sundry proposals for the good of the British Empire 140

CHAPTER VII

In which Caleb Heathcote, having found the ministry more ready to give him offices than to answer his letters, experiences no little trouble with New England . . 176

CHAPTER VIII

In which Caleb Heathcote, against much stubborn opposition, advances the Church of England in the Province of New York 195

CHAPTER IX

In which Caleb Heathcote loads his pistols and rides forth to set up his church in Connecticut 243

CHAPTER X

In which the story of Caleb Heathcote is concluded . . 266

Appendix 285

Index 293

CALEB HEATHCOTE

GENTLEMAN COLONIST

CALEB HEATHCOTE

I

In which a young merchant named Caleb Heathcote leaves England under romantic circumstances, adventures to the New World, and without delay takes up an honorable part in a somewhat disreputable government.

POLITICAL economy was branded many years ago by some impatient critic as the dismal science. The humanist was bored with its abstractions and suppositious cases. He grew discouraged as in and out among columns of figures and through mazy diagrams he sought some friendly sign of an actual individual man; for lack of any such the whole edifice of "laws" and formulæ seemed desperately bleak and lonely. The myriad corridors of history will likewise be deserted by the casual inquirer, if he finds there only generalizations and the word of movements, tendencies, developments. The historian himself may know that his broad and final phrase rests upon unnumbered bits of evidence, but to the reader it is meaningless unless he is shown patiently and clearly that this one does really hold within itself the

many; he does not want his history, at least not all of it, so careful of the type that it must be so careless of the single life. All of us, counting in even the hardened statistician, find comfort in the simple words, "for instance," which bring us down to the single human being. One speaks glibly of the expansion of Europe that was a phase of the commercial revolution of the sixteenth and seventeenth centuries, and quite probably what the average mind envisages is an agitated map with color masses overleaping a blank ocean to certain outlined spaces which represent new continents. But when one says, "for instance, John Smith or Henry Hudson," there is a pleasant sense of recognition that we are dealing with a human story.

If we had the personal narratives of this and that horseman who rode with the Indo-Scythian conquerors or with Clovis or with Genghiz Khan, we should better know the meaning of those great migrations and the societies that grew as a result. For him who seeks to know the causes and the process of the peopling of America, such evidence is not only more available but much more essential. That process was not a movement in the mass. There was no swarming multitude, no Golden Horde; those who came were neither driven nor led, but, for the most part, numerous as they were, each one set out upon his private and personal decision. Many motives, and these variously mixed, brought them to risk a dangerous voyage and brave death in a distant wilderness. Hence to understand the transit of European

civilization to America it is especially well to turn back frequently to the individual case.

There is really little need of this wise admonition. There is no danger of biography declining in the popular regard. "The proper study of mankind is man" was the neat little apothegm of Alexander Pope; and most students of the theme will like to take up specimens one by one. Carlyle, fiercely impatient of ordinary people, narrowed the study to those unique creative personalities called heroes: "For, as I take it, Universal History, the history of what man has accomplished in this world, is at bottom the History of Great Men who have worked here." And Emerson, the American Carlyle—if Carlyle was not the British Emerson—said much the same thing more tersely: "The institution is the lengthened shadow of one man." There is no need here to consider the obvious objections which might be urged against this extreme position, for the present little essay could never be justified upon it. The subject, I hope we may conclude, was worthy, yet by no means cast in the Carlylean mould.

But biography, in order to serve history, does not need to usurp her place. The following of a single thread, unimportant as it may appear, is likely to reveal some elements in the social pattern which might otherwise be overlooked. In spite of all Carlyle could say, the life of a subaltern, patiently searched out from the records, may yield more to the sense of history than the life of a great leader, because it runs through experiences more represen-

tative. The career of Caleb Heathcote, an official in the province of New York, some two centuries since, may, then, have some value as an illustration of the circumstances of that time and place. It would seem quite impudent to "collect" him merely as a specimen, and could he rise to join us he would surely resent it, for he had his character—the biographer is here, as always, put to it in judging what is typical and what is singular—and yet, were our purposes made clear to him, I believe he would rather enjoy the thought that he was standing for the imperialist mind and the spirit of English civilization in America at the beginning of the eighteenth century.

The Life and Death of the Seven Sons of Mr. Gilbert Heathcote, Mayor of Chesterfield, in the Hundred of Scarsdale, Derbyshire—such might be the title of a book that would set forth concretely certain very important phases of the process of commercial revolution and expansion that was going on in England during, shall we say, the century after 1625. By that time the family had reached a considerable prominence among the traders dealing in the hides and lead that formed the staples of the region, so that this Gilbert's father, not long before, had had the honor to pledge his fortune to support the credit of a neighboring earl, and thereby to lose it.[1] Had this reverse occurred a hundred years before, in early Tudor times, the family history might have closed directly; or, at best, it very likely would have taken several generations to retrieve so great a loss. But now the trade and industry of England had grown so great

that, left without much patrimony, this enterprising merchant, Gilbert, in his lifetime, beginning in the year the first King James left England for a better world and ending not long after the second of that name left it so suddenly for foreign parts, could bring together a sum of wealth which surpassed that of his ancestors. All this was accomplished by shrewdly taking up his full part in the growing traffic in the product of the Midland iron-furnaces and forges which were reaching their importance in those years.[2] Nevertheless, he took out time, quite properly for a young man in trade, to fight as a Roundhead in the civil wars, and bravely bore his part in the numerous small battles that raged through Scarsdale around his native town,[3] so that for all we know he may have his place, concealed in anonymity, among the guests of the valiant Major Bridgenorth in *Peveril of the Peak*.

This ironmonger-mayor built up a trade as wide as England, it appears; and with all his business, his tombstone testifies, he brought up seven sons as merchants adventurers, whereby with God's blessings they obtained good estates. To them, along with his property and his long, lean nose and thin lips, which show with such astonishing clearness in his ill-done portrait,[4] he bequeathed a resolute will to get on. "Merchants adventurers" they all were in the accurate sense of the word, for the island was too narrow for this new generation, and their interests reached across the seven seas. Gilbert, the eldest, remained in London, but from his place of busi-

ness in St. Swithin's Lane he came to rule a host of men in many places as a prince of commerce, forced the reordering of the great East India Company, became an organizer and the governor of the Bank of England and of several merchants companies, a knight, Lord Mayor of London, and at last as a baronet died the richest commoner in England, worth close to three-quarters of a million pounds.[5] His brother Samuel struck out for Danzig, where he made a fortune, much less but still respectable, by importing Virginia tobacco into the Czar of Muscovy's dominions.[6] George died at sea returning from the Caribbean.[7] John spent some time on the island of Jamaica.[8] William, who piled up a considerable property, acted with his brother Gilbert as the agent of that distant colony in London,[9] and Josiah made it his home for a space of fifteen years, owned extensive warehouses, and married the widow of a Kingston merchant.[10] Caleb, born on March 6, 1666,[11] identified himself with the province of New York, as we shall see, and after a time married a lady born in Tangier, her father having been governor of that appanage, which came to the Stuart crown along with Catharine of Braganza; born under the English flag in Africa, she died under it beside the waters of Long Island Sound.

Thus, in this family history of the Heathcotes, is epitomized the story of that great expansive movement by which the cross of St. George was advanced beyond the seas. Here, seen in the particular instance, is the conquest of commerce, England mar-

keting the treasures of the world. It gives point to Edmund Waller's national panegyric written about the time this family began so mightily to flourish:[12]

> The taste of hot Arabia's spice we know,
> Free from the scorching sun that makes it grow;
> Without the worm, in Persian silks we shine;
> And, without planting, drink of every vine.
>
> To dig for wealth we weary not our limbs;
> Gold, though the heaviest metal, hither swims;
> Ours is the harvest where the Indians mow;
> We plough the deep, and reap where others sow.

But in coming to America it is not probable that Caleb Heathcote felt moved to any considerable extent by patriotism nor by the notion that some day he might stand as an historical example of the growth of English trade. Rather, according to a family tradition, the efficient cause (using the word of Aristotle) was one Mary Dawsonne, the daughter of a Hackney merchant. When he had accomplished a betrothal with this young lady, who is described as "very beautiful," a judgment to which her portrait-painter offers some mild support, he proudly introduced her to his brother Samuel, ten years his senior. More impressed, apparently, with the poise of early middle age and success already well assured than with the faith of twenty-five, she soon transferred her affection and married Samuel in 1690, with Caleb's strong disapprobation.[13] Though the disappointed suitor doubtless thought this tragedy quite personal, if not unique, it does suggest that some

young men went west in that day, as they have ever since, for reasons not entirely related to economics, politics, or religion.

Certainly, poverty had no share in sending Caleb Heathcote across the Atlantic. The previous spring his father had died, and even the share of the sixth son in the estate proved to be a considerable amount.[14] Although but twenty-six years old, he had already set up in the foreign trade, and, among other places, he had ventured cargoes to New York;[15] for in the reckonings of the Heathcotes the ports of the dominions, however small or distant, figured very frequently, and the state of life and trade in the province of New York was not unknown. The enterprising eldest brother, Gilbert, for example, reaped a profit from his contract to raise and outfit troops for service on that far-away frontier, and the ships of William, Samuel, and Josiah were not strangers at that customs office. A cousin George, of the Middlesex branch of the family, a merchant sea-captain, had moved there shortly after the English recovered the town and province by the treaty of Westminster in 1674. He had prospered steadily in sea trade, especially with the island of Jamaica, and, rising to consideration as one of the rich merchants of the town, had purchased a place for his residence above the smith's garden near the East River, the present Pine Street being subsequently laid out through his property.[16] With the example of such success before him and certain not only of a welcome but of competent advice and aid in beginning an

American career, and furnished with a letter of introduction to Governor Sloughter—less valuable because that ill-starred governor had been for some months dead[17]—Caleb Heathcote sailed for New York near the end of 1691, or in the early months of 1692, the uncertainties in the record doubtless growing out of the confusion as to whether dates involving January, February, and two-thirds of March should be reckoned by the new style or the old.[18] It was in the latter year, at any rate, that he was made a freeman of the city, and was therefore able to begin his business.[19]

The old-time merchant occupied a station in society quite different from that belonging to the keeper of a shop. For many generations, indeed well into the nineteenth century, the name was kept for those who dealt in quantities by wholesale. Before America became so nearly self-sufficing, this always meant connections overseas, constant and extensive, so that his concerns were far from being narrow and parochial; Campeachy, Surinam, Teneriffe, Fayal, the Gold Coast, were names more often mentioned in his ledger than Philadelphia or New Haven.[20] He doubtless would have shared the ancient Greek's contempt for all small shop-counter bickering, and looked upon his calling as one of dignity as well as profit. Heathcote, like the older men of business, began at once to operate as a factor and correspondent for certain large London traders, "English goods yielding in New York generally 100 per cent. advance above the first cost and some of them 200,

300, yea sometimes 400." [21] And, again like others, he sent ventures to the Antilles and to Madagascar and the Indian seas.[22]

There were then as many opportunities as now to break the law to good advantage. Strict decorum and security in trade were hardly to be looked for in that age, when rivalry in colonial development was so intense and war involving ports and spheres of influence was almost the normal state of international relations. It was a rare merchant who hesitated to steer around a foreign country's law; the Heathcotes of London, for example, were heavily engaged in the interloping trade with Borneo, despite all rules and proclamations of the Dutch. Such lawlessness made it seem more natural to break the customs law of one's own government. The doctrine of mercantilism that all economic life should be rigidly controlled in the interest of the nation was fine theory for the statesmen and agreeable to the merchants as the basis for a general policy, but the various navigation acts framed under it were not allowed to interfere extensively with private profits. It may be said in passing that had the illegal trade with foreign islands been actually cut off, the northern colonists would have had insufficient specie to pay their balances to England, and those colonies would have become clear liabilities to the empire; for what has been said of colonial Massachusetts may stand for the northern colonies in general: "Every penny won from free trade (as she called it) or smuggling (as the English called it) was spent in England." [23] The regulation

certainly ran far beyond the power of the government to enforce it, with results demoralizing to every one involved.

Probably Caleb Heathcote wrote down some profits that could not have passed at Whitehall. The lieutenant-governor of Pennsylvania detained his ship at Newcastle for loading forty hogsheads of tobacco before a bond was given that it would be taken to an English port, as required by the act of 1672; it was afterward discharged without a trial, to the deep disgust of Edward Randolph, the English customs officer, who learned that eighty pounds sterling to the Pennsylvania executive had been the price of this decision.[24] Yet his partner, the ill-famed Captain John Evans, late commander of His Majesty's frigate *Richmond*, on board which he had bargained with the pirates,[25] may have been the principal in this smuggling and bribery; certainly Heathcote could have had no notoriety as a breaker of the law, for he was afterward appointed a surveyor general of the customs.

One method of making money then, as well as later, was by military contracts; he had been here but a few months when he presented an account for watch coats,[26] and he apparently continued in the business of outfitting troops and furnishing stocks of presents to the Indians.[27] On March 23, 1693, for example, a warrant was issued to him for bedding and blankets which had been furnished to the soldiers on guard at Albany, and the following month another for a pinnace.[28] In 1695 he was furnishing

materials, especially lime, for repairs upon Fort William Henry, where the governor lived.[29] He often took the contract for supplying the public buildings with firewood, which he may have floated down from Westchester, and during the spring of 1704 in partnership with others he furnished the same commodity, astonishingly enough, to the frontier garrisons at Albany and Schenectady, where the gathering of fuel might reasonably have been set down as a military duty.[30]

Caleb Heathcote was successful in his business and, as we shall see, by diligence and shrewdness as well as by good luck, acquired a handsome property. But had he been exclusively concerned with manifests and mortgages, this little history would probably have stayed unwritten. He had ambition for power and distinction, and a will to be of benefit to his community. Fortune gave an early favor to his purpose, for on the arrival of the new governor, Colonel Fletcher, he was invited to be a member of the council, to make sure a quorum left uncertain by the late removal of two councillors from the province. The process by which this small and simple matter in imperial history was consummated may illustrate the clumsy, creaking inefficiency of the English system. Fletcher proposed the name to his superiors in London on September 15, 1692, about a month after he himself had reached his province; on May 29, 1695, he stated that he had reported this by sundry mails which apparently had miscarried; the following August 7 the lords of trade decided to

recommend the appointment to the king's officers for confirmation, which they actually did fourteen months later, on October 14, 1696. Some five days after this the board of trade, which had been recently created, voted to explain the proceeding in its next letter to Governor Fletcher, but apparently it was forgotten until February 1 of the following year, when the board complained that no one had appeared to take the warrant. The governor wrote the board on the twenty-second of June that Heathcote had given directions to have the warrant taken, and presumably during the summer the proper papers were delivered.[31] It had taken five years to appoint a councillor, though in the meantime he had exercised his functions apparently without embarrassment.

It was on a Wednesday, or, as the old record says, Die Mercurij, October 26, 1692, that the young merchant first met with the provincial council of a dozen members sitting for legislative business in Fort William Henry, the meagre little square of bulwarks mounting thirty-eight guns at the tip of the island, which housed the garrison companies and the majesty of government. The town which spread out to the wooden wall a scant half-mile away would to-day in size be ranked a village, with its forty-five hundred souls, but its political concerns and the widely various contacts of its commerce made it vastly more important than its numbers now suggest. The little town, speaking as of a type of human settlement, was in old times, before the wonder-working steam-engine

puffed and rattled its way through Christendom, a much more complete and independent organism than in this twentieth century. Human power and talent were not then merely incubated in its quiet and remote security only as soon as fledged to fly away so easily to greater opportunities; a community of the modest size of New York in 1692 remained enriched with its natural quota of distinction. It was indeed a city that in social concerns as well as economic had to be quite largely self-sustaining.

But such considerations with respect to little towns in general apply with special force to the New York that Caleb Heathcote found in the early sixteen-nineties. It had then lived for many years under a city charter and had its elaborate system of mayor, council, and courts, as well as ships and markets. It was still half Dutch, but had long been famous as a small cosmopolis where adventurers and refugees from every quarter sought their fortune. The English had the second place in numbers, but there were many others—Protestant Flemings whose grandsires had stood out against the mighty Philip of Spain, Protestant French who had fled the dragonnades and fierce proscriptive laws of Louis XIV in his religious mood, and, less important, Iberian Jews who by reason of the Inquisition had left ancestral homes on the Peninsula or later comfortable residences in the West Indies or along the Spanish Main, and Danes, Norwegians, Swedes, Irishmen, Germans, Poles, Bohemians.[32] "As to their wealth & disposition thereto," wrote the somewhat caustic

chaplain of the fort, "ye Dutch are rich & sparing, the English neither very rich nor too great husbands, the French are poor and therefore bound to be penurious: As to their way of trade & dealing they are generally cunning and crafty but many of them not so just in their words as they should be." [33] Whatever the character of the traders of New York, their commerce, as we have seen, ran around the rim of the Atlantic and, passing by the southern cape of Africa, was wafted by the monsoons to the storied cities of the East.

But the city had an added dignity as a capital. True enough, the province that stretched indefinitely northward into the bleak dominions of the Grand Monarch of France was in population one of the less considerable of the English colonies, holding as it did all told less than twenty thousand; this was about a tenth of the total number settled by the harbors and along the river banks from the Penobscot to the sandy shore of Albemarle Sound, adding in the planters on the Carolina rivers south of the Santee, about four hundred miles beyond. The province of New York had something like the number or probably a little under that now found within the small rural county of Schoharie, less, indeed, than the population of the present city of Olean.[34] The people of the province looked forward with more contentment and confidence than formerly, for a few months before Caleb Heathcote landed in New York there had been set up a popular assembly to assist the governor and council in making laws. But

these twenty-three representatives had a status not yet well defined.[35] The council was a body of greater dignity and greater power; not only did it pass upon all laws in the formal advice it gave the governor, but it took a part in executing all those laws and sat with the governor as a tribunal of last resort within the province, known as the Court for the Correction of Errors and Appeals, to which might be brought cases amounting to a hundred pounds sterling or more.[36]

The council as Heathcote joined it represented the great landed interest in such a member as Chief Justice William Smith, the fur-trading and wild-land interest in Peter Schuyler, the mercantile and landed interest combined in Frederick Philipse and Stephen Van Cortlandt, the city and mercantile interest in Thomas Willet, Nicholas Bayard, William Nicoll, and others, and the politician interest in Chidley Brooke, whose stipend of 260 pounds sterling as collector and receiver general placed him in compensation second only to Governor Fletcher himself.[37] Such a company answered perfectly to the governor's instructions that the council should be chosen from the principal freeholders, men of estate and ability, not necessitous nor much in debt, and well-affected to the royal government.

As one of his excellency's council he became "the Honorable" Caleb Heathcote, a title reserved almost exclusively for those of that position.[38] Such distinctions in that day were matters of importance and made clear that aristocracy, so potent in the society

and politics of the Old World was, to a certain extent, mirrored in the New. They were carefully observed in the southern provinces and were not unknown in republican New England. When Heathcote later joined a company of lumber speculators in Connecticut, for example, his standing made it proper to list him with General Winthrop and eleven other "Esquires" rather than with the four remaining simple "gentlemen."[39] Some years later, when the road commissioners for Westchester were set forth in a law, the list was careful to specify the degree of each: "Adolph Philipse, Esq.; Caleb Heathcote, Esq.; Mr. Joseph Drake, Mr. John Stephenson, and Mr. John Haith."[40] It was the rule of Sir Edward Coke that a gentleman was one entitled to a coat of arms and, though in the transit of English society to the New World the rule of such designation was doubtless often broken, the case of Caleb Heathcote was conformable.[41]

With the honor of his membership on the council there came much work and care. For considerable portions of the year it was almost continuously in session, and between these periods the councillors were frequently called into informal conference. While the problems of revenue and defense took up the most time, the council had to busy itself with matters so widely various as poor-relief, the post-office, the bounty on wolf pelts, the licensing of school-masters, the clipping of coins, the assize of weights and measures, and even such strictly municipal concerns as the abatement of nuisances.[42]

Much of the work was done through committees, the tastes or the peculiar capacities of the different members apparently suggesting to whose consideration any given matter might be entrusted, as when Caleb Heathcote was made committeeman on a "Bill for Incouragment of a Grammar Free Schooll." [43] Possibly because of his impressive yet conciliatory and persuasive manner, he was often chosen to take the council's messages to the assembly and present their point of view.

But the elevation to the council of this new arrival, not yet twenty-seven years of age, had not been wholly due to his address. He belonged to that exceedingly small company of immigrants to America, counting from Christopher Columbus down to date, who have come with good financial credit, and such circumstances were desirable for a member of the council on grounds quite other than those outlined in the governor's instructions. The machinery of the revenue was cumbersome and frequently the taxes were delayed; the assembly oftentimes annoyed the executive by delaying their appropriations for necessary expenses; a report of restiveness among the savages along the frontier might call for instant action, even when the assembly was not sitting. The solution of these problems was found in the private credit of the councillors, which was pledged again and again. Since some members, like Chidley Brooke, the collector, and others who from time to time served *ex officiis*, could not be counted on for this financial aid, a rich young gentleman, otherwise pre-

sentable, was very welcome to the governor. Fletcher later wrote of him as very serviceable and forward, and he was praised as being willing "to advance his private fortune for his Majesty's service to answer an emergency when money was not in the Treasury." [44] As an instance it may be interesting to cite the minutes of the council on July 31, 1696: [45]

Present
His Excelly. Benjamin Fletcher
ffred Phillips — Gab Monviele
Steph Cortlandt — Caleb Heathcote
Nich Bayard — Esquires

His Excellency did communicate to the Council intelligence from the ffrontiers that the Enemy are upon their March that the Indians of the five Nations have sent to call for assistance of Christian force, and did express his readyness to go to Albany.

His Excellency did desire their opinion what is to be done being there is no Money in the Coffers.

It is the opinion of the Council that there may be men found upon the ffrontiers that upon encouragement will march to the Indian Country if there were a friend to answer the Charge thereof. His Excellency did declare his readyness to go provided they will find money to answer the necessary charge. Coll Cortlandt profferred his personal credit for £200 towards the expedition. Coll Bayard offered the same. ffred Phillips offers the same Lt Coll Monviele the same, Coll Heathcote the same.

His Excellency did recommend to them to procure the credit each for £200 forthwith.

Money was generally loaned at ten per cent, a rate illegal and usurious in London but normal in a frontier country where capital was scarce.[46] The

councillors advanced it themselves[47] or gave security for the loans of others, but although the prospect of repayment was promising, as is usual in loans to governments, it was not precisely certain; otherwise the private pledge of individual councillors would not have been demanded by the outside money-lender. In 1702 an act was passed to collect a tax of eighteen hundred pounds for maintaining fusileers and scouts along the northern frontiers, and in anticipation the government borrowed the sum of five hundred pounds from Colonel William Peartree, on the personal credit of the governor, Lord Cornbury, and the councillors Caleb Heathcote and Gerardus Beeckman. The sum was misapplied by the disbursing officers; the assembly was reluctant to vote another tax to cover the same expenditure and to repay Colonel Peartree; the noble lord's credit was much less than nothing. In consequence Heathcote and Beeckman waited ten years before they were relieved by law of their securities, and were several times in danger of a levy on their own estates by the disgusted creditor.[48] Most frequently the financial aid of members came in their advance of expense money in carrying out commissions of the council.[49]

To say that Caleb Heathcote was the intimate and loyal friend of Benjamin Fletcher is to hurl his reputation forthwith into the field of controversy, for that soldier-governor has been attacked and defended by the historians of New York, from William Smith and Cadwallader Colden down to date—chiefly attacked.[50] Nevertheless, it must be said that few citi-

zens gave Colonel Fletcher steadier support, and when he closed his administration in 1698 and went home under bonds to answer charges, as expressing his appreciation and esteem Fletcher left his pew in Trinity Church to the care and use of Heathcote and Nicholas Bayard.[51] The governor declared that whatever he did was countenanced by his advisers;[52] and, indeed, the council met so often that they must have known the governor's plans in most particulars, and had they stoutly disapproved of anything it is probable some scrap of evidence to that effect would have survived. Consequently, by this implication, Heathcote must bear a little of the odium that has been visited upon his chief and patron, just as for him one may claim some credit for the energy displayed in that administration in its dealing with defense along the frontier.

Fletcher, who came apparently without experience in politics, was plunged at once into the hot and bitter quarrels that followed the career of Jacob Leisler, demagogue or hero, as one chooses to regard this German militia-captain who seized the government of New York when rumor came of the English Revolution.[53] Governor Sloughter, on coming to represent their majesties William and Mary, had thought to end the controversy by executing Captain Leisler and his son-in-law as traitorous usurpers; that seemed a simple remedy, but "instead of quieting New York he had merely terrorized it for the moment, and in the two graves he dug had sowed a handful of dragon's teeth." [54] The mass of the town

and province was sharply cloven into two opposing factions whose mutual charges and ingenuities of hate, as in some town of mediæval Italy, excited the community for almost a generation. The new governor, Fletcher, threw in his lot with the anti-Leislerians, that is to say, the old colonial clique of "aristocratic" English merchants, while against him was arrayed the "Black party," the bulk of the common folk, including most of the Dutch. These last furnished many critics and there was much to criticise.

Like almost all who came as governors to America, Colonel Fletcher expected a handsome financial profit to compensate him for his exile from the comforts of the Old World, but he seemed so much less scrupulous than the majority of that class or company, not celebrated as a whole for magnanimity, that he has an evil prominence in the story of colonial government. He was accused of taking substantial presents for letters of denization, judicial opinions, and ordinary acts of state, and even of deflecting into his capacious pockets a percentage of the money, possibly half, sent to pay the troops. He offered some denials, and no doubt the case was overstated by his opponents, principal among them being his own successor, the Earl of Bellomont, whose style ran to philippics; but the defense was never satisfactory.

It was about the matter of extravagant grants of land, as we shall see, as well as connivance at the violations of the acts of trade and a profitable intimacy with pirates, that the greatest stir was made, As for the trade acts, by which American commerce

was directed for the benefit of England, rigorous enforcement was probably impossible. Though Heathcote strove as faithfully as any colonist for the glory of the empire, it has been shown that in this connection even his record was not clear. The merchants as a whole believed the principle unfair that the colony should be regarded as existing only for the realm, or, as the publicists of that day called it, "the metropolis"; this was, as far as it worked at all, a system of child labor for the support of the mother state, and while the colonies counted eagerly enough upon protection by the navy from all foreign foes, they did not feel, under the circumstances, that complete obedience to the trade laws could be expected in return. Bellomont found the merchants quite intractable, and Fletcher may not be much blamed for his shortcomings on this point.[55]

The charge of aiding piracy was far more serious. The governor gave "protections" to privateers against the French, though a cursory investigation would have made quite clear that when hardly past the sands of Montauk Point they would turn pirates and sail to the Indian Sea for plunder. Cargoes thus collected by the cutlass were sold to New York merchantmen at Madagascar, with no questions asked. The relations of such traders with those brigands of the high seas were almost those of partners. One Adam Baldridge kept a rendezvous for pirates at St. Mary's Island, off the Madagascar coast, largely on the basis of supplies sent out by Frederick Philipse, while that councillor's ships, as well as those

of Stephen De Lancey and others, boldly ferried pirates back to New York, where they might outfit themselves with new craft and equipment. Old Cadwallader Colden, writing about the middle of the following century, could remember the demoralization that then marked the business of New York: "Several of the now principal families, I have been told, took their first rise from their commerce with the Pirates."[56]

The freebooter captain was not infrequently seen upon Manhattan wharves, his face hard-bitten, seared and scarred by the hand of man and the warning winds of God, his sturdy figure gay with laced hat, rich jacket, sparkling earrings, and gold neck-chain, a jewel-hilted dagger hanging by his short white trousers, watchful here as on his quarter-deck, for he maintained his place precariously by quick wit, brute strength, and instant readiness for violence—alert to see that he did not go to hell before his time. Now and again a chief like this, Tew or Hoar or Glover or Coates, would put in at some quiet cove on the Long Island shore or even land directly at the city, and after a day or two fresh quantities of gold Arabian chickeens appeared in circulation throughout the neighborhood—gold chickeens that might demoralize the governor as readily as a staring ploughboy in the field. When the notorious Captain Tew visited the city "he was received with great intimacy and kindness by Colonel Fletcher, who exchanged presents with him, entertained him frequently at his table, and carried him

abroad publicly in his coach." But a much longer quotation from the record in which Heathcote's name is mentioned will illustrate the environment in which he found himself:[57]

The fitting out of pirates from thence, the Commissions they have had from Colonel Fletcher, their returne thither their reception, the protection given them, and the gratifications they have given for such like favours will be more or less evident in one or other of the following instances.

The depositions of Edward Taylor and Samuel Burges two mariners belonging to the ship Jacob commanded first by William Mason and afterwards by Edwd Coats, taken by the Earl of Bellomont the 3d and 7th of May last (whereof Copies are hereunto annexed) express, that the said William Mason had a commission for the said ship as a privateer from Jacob Leisler whilst he was in authority at New York which was about the year 1690. that the said shipp mann'd at first with about 85 men, sailed to the East Indies, where they committed several piracies and shared the value of 1800 pieces of eight, a man; that about the month of April 1693 being then under the command of Edward Coates, they arrived at Nassau [Long] Island; that from thence the said Taylor being deputed by the rest of the Company (then about 55 men) for that purpose, went up to New Yorke and addressed himself to Mr William Nicoll (then one of his Majesty's Council there) who introduced him to Colonel Fletcher; that he opened to the Colonel his business, declaring the piracies they had committed in the East Indies, and in the name of the ships crew, promised to him and the said William Nicoll 700 £ sterl. upon condition the said ship might be permitted to come to New York, and the men belonging to her have protections: which was accordingly agreed to, and the ship was afterwards brought up

to New Yorke; but that it hapning in the mean while that the greatest part of the said crew had left the said ship and were dispersed so that the said agreement could not be performed, several of them (being owners) did in consideration of the protections granted by Colonel Fletcher make a present of the said ship unto him; and in gratification of Mr Nicholl's trouble in that transaction, made a contribution amongst themselves to the sum of £200 sterl. which the said Taylor presented to the said Nicholl.

Upon the producing of this evidence the said Nicoll acknowledged before the Earl of Bellomont in Councill, that he had received 800 Dollars from the said Taylor for obtaining protections, arguing only that he did not know any persons that were pirates and that he deserved the money for his paines in serving them. However, hereupon the Earl of Bellomont suspended him from his place in Council.

Upon the same subject his Lordship further writes that Colonel Fletcher sold the said ship to Colonel Heathcote, a merchant there, for 800 £ besides what private presents reports saith were made to his lady and daughter, and besides also the price of particular protections, which his Lordship says he finds were commonly rated at one hundred dollars pr man. And to this he further adds that for the better colouring of this transaction he finds that Colonel Fletcher overawed or amused the Councill into a consent that the said Coats, with his crew should be admitted & protected under pretence of allowing them the benefit of a certain clause in an Act of the country concerning pirates, tho' they had no manner of title to the benefit of that clause, and the rest of the Act be directly against them.

Of course the *Jacob* lay upon the governor's conscience, not upon his own, and there was probably

no turpitude in Heathcote's taking it at so low a price.

He seems a little less removed from something like sharp practice in his speculations in the taxes. The privilege of collecting some parts of the revenue was still let out to bidders, who sought to make whatever they could above the sum they guaranteed to the government. The arrangements fell within the official duties or, perhaps it were better said, the opportunities, of Chidley Brooke, the collector and receiver general. Bellomont complained in 1698 of the practices of that financial officer by which the public were defrauded: "The Excise of this Province 'tis believed would yield at least £2000 per ann: if honestly managed. It plainly appears Brook's has not discharged his duty, for he has gon and farmed the Excise of the County of West Chester to Colonel Heathcote for seaven pounds this year, which yielded twenty pounds eleven years ago, as is to be seen in the opposite list of the year 1687. 'Tis said there was a great friendship and intimacy between Heathcote and him, but I cannot beleive his friendship, for t'other [,] outweighed the love of his own interest; therefore I conclude he went snips in so cheap a Bargain." [58]

The Earl of Bellomont, shortly after he dissolved his first assembly in 1698, suspended most of the council that he had inherited from his predecessor, Caleb Heathcote among the number. In this there was nothing to Heathcote's discredit, for it was a partisan stroke to clear the way for his own support-

ers, so early in the political evolution of New York was the spoils system introduced. We have seen him somewhat implicated in transactions the word of which to-day would drive a man from public life, but had he not been well above the average of probity in that day we certainly should have heard more of it. The noble earl had always straining at the leash a pack of adjectives and epithets to set upon any member of the opposition who lay much open to attack, and it is significant that, with the exception of Colonel John Young and John Lawrence—both well past the allotted span of life and presently to die[59]—Heathcote was the only one who escaped without being hounded into the record with some charge of special guilt. Nicholas Bayard, William Nicoll, and Thomas Willet were charged with taking money from the pirates,[60] and Frederick Philipse with being practically their partner in this "most flagitious crime of pyracy which is not only the worst sort of robbery but is for the most part attended with the horrid sin of murder." [61] William Pinhorne was accused of getting land by fraud as well as of the most heinous fault of Jacobitism, and Chidley Brooke of various malfeasances too numerous to recount.[62] That the earl made no essay into the biography of Heathcote, makes in itself a certificate of character.

At length worn out with warring on his enemies, despondent at the fact that Captain Kidd, whom he had sent to fight the pirates, had apparently turned one himself and made the earl a butt of ridicule, and especially annoyed at an address recently sent

over to the board of trade in hope of his removal, the Earl of Bellomont succumbed to the strains of office and died, after three exciting years as a governor in America. The lieutenant-governor, Captain John Nanfan, was absent on a journey to the West Indies, and there arose a bitter strife as to whether Colonel William Smith, the senior councillor, in himself, or the late earl's council jointly, should take up the executive power, particularly with reference to proroguing, dissolving, or vetoing the acts of, the assembly.[63] This was merely another phase of party controversy, the assembly taking the side of the Leislerian majority on the council, though nothing was done until the arrival of Lieutenant-Governor Nanfan in May.

At the election in the summer the contest was, therefore, unusually sharp. The anti-Leislerian faction in the new assembly, which met in August, 1701, was led by William Nicoll, representing Suffolk County, and Dirck Wessels, representing Albany, the former of whom made a stout but unsuccessful fight for the speakership. His opponents, having the majority, then turned upon Nicoll and Wessels and ousted them from their seats on the ground that they could not qualify under the act requiring that members must be inhabitants of the cities, counties, or manors for which they were elected.[64] At this eight others resigned in sympathy, leaving the house without a quorum, and it was necessary to hold ten by-elections. The Leislerians, so strong among the Dutch, did not control Westchester County, which

rather took the side of Colonel Smith and William Nicoll. In consequence, as a result of the poll there, Caleb Heathcote appeared at the assembly on Saturday, or "Die Sabatii," October 11, 1701, with his indenture of election.[65] He took the oaths of allegiance readily enough and signed the test and associations, at that time required, to stand loyal by the king against the Jacobite menace and join in seeking revenge upon any by whom His Majesty might die,[66] and it was ordered that he take his place accordingly. But he was too good a party man to sit quietly by. He would not neglect to speak the cause of William Smith, now his father-in-law, and William Nicoll, late his fellow-councillor, and he arose to read a paper which would condemn the transactions of the spring and summer. He was ordered to sit down, but declared he would not do so till he had an answer to the paper that he held in his hand. The house refused to hear it and Caleb Heathcote left the hall, accompanied by two other new members, completing thus a career in the assembly of less than an hour.[67]

Matters went from bad to worse. Perhaps the days of Peter Stuyvesant could show some precedent for the arbitrary power and prevalent fear that now marked the politics of New York, but for a satisfactory parallel of the province under Nanfan and Chief Justice William Atwood one might have to turn to Governor Berkeley's days of vengeance after the Virginia rebellion. When word came that Lord Cornbury had been appointed governor, Caleb Heathcote, along with nearly three hundred and fifty others,

signed an address of congratulation.[68] This action Nanfan's government took for mutiny, and, arraigning Nicholas Bayard as most responsible, it had him forthwith indicted, tried, convicted of high treason, and sentenced to be hung, along with Alderman John Hutchins, in whose tavern the address had been drawn up; Thomas Wenham and Philip French were outlawed, and others were clapped into jail.[69] But the government had overreached itself, and, protests coming in from England, those who were to die were given a reprieve until the queen's will could be known. The cases were appealed, and finally the judgments were annulled by royal order, after the new governor, council, and assembly had declared the whole proceeding illegal.[70]

Meanwhile the arrival of Lord Cornbury had changed the order of favor and preference in the government. Caleb Heathcote now profited by the "system" by which he had suffered four years before and was reappointed to the council along with his father-in-law, now again chief justice. Thus restored, he served as councillor until his death in 1721, making over a quarter of a century in all and under six royal governors, a record surpassed in his times only by Peter Schuyler, called "Quidor" by the Mohawks, whose knowledge of the frontier was indispensable.[71] The provincial councillor in New York in those days, as in Virginia and some other colonies, had no stipend for his service; indeed, he sometimes bore a special tax in payment for his honors.[72] But the place had its attractions from the standpoint of

one's personal profit. The councillors, being near the source of favor, had virtually first choice in land grants. Likewise they could usually engross a number of the better offices. The fee or salary of one such might seem inconsequential, but taken together under a scheme that gave a generous tolerance to pluralism, their total made an important element in the income even of a wealthy man.

NOTES

1. Stephen Glover, *History of the County of Derby* (Derby, 1829), vol. II, pp. 293–294. C. B. Wheeler in his *Heathcote Manor of Scarsdale* (Baltimore, 1923), p. 5, observes that "the ancestors of Caleb Heathcote are said to have been well-known bell founders in Chesterfield, and the makers of many church bells hung in church edifices throughout England, bearing the trademark of those makers." The first syllable of the family name was probably pronounced as in "heather" rather than as in "heathen," and the last was probably shortened to "cut."

2. Glover, *loc. cit.*, and the *Victoria County History of Derby* (London, 1907), vol. II, pp. 321–322, 358.

3. *Victoria County History of Derby*, vol. II, p. 128; C. B. Wheeler, *loc. cit.* His house still stands, the property of a descendant, the Earl of Ancaster. Judge Wheeler says he was a colonel, but does not state his authority.

4. See the series of portraits in E. D. Heathcote, *An Account of Some of the Families of Heathcote* (Winchester, 1899).

5. See Charles Welch, in article "Sir Gilbert Heathcote," *Dictionary of National Biography;* T. B. Macaulay, *History of England* (New York, 1899 ed.), vol. IV, p. 544; L. M. Penson, *The Colonial Agents of the British West Indies* (London, 1924), pp. 75, 90, 171, 180, 181, 251; V. L. Oliver, *History of the Island of Antigua* (London, 1894–9), vol. I, p. lxix.

6. *Calendar of State Papers, Colonial, America and West Indies* (hereafter cited as *Cal. St. P. Col.*), 1699, no. 27; E. D. Heathcote, *Families of Heathcote*, p. 105; *Manuscripts of House of Lords*, 1706–8 (London, 1921), pp. 106, 186, 187.

7. Robert Bolton, *History of the County of Westchester* (revised edition, N. Y., 1881), vol. II, p. 216, note.

8. *Cal. St. P. Col.*, 1699, no. 695; E. D. Heathcote, *op. cit.*, p. 69.

9. *Cal. St. P. Col., loc. cit.*

10. See his long letter in *Cal. St. P. Col.*, 1702–3, no. 617; and genealogical table inserted in R. Bolton, *Westchester County*, vol. II. The Heathcote interest in the New World continued in the sons. Samuel's son Sir William, a wealthy merchant, and Josiah's son George, elected Lord Mayor of London in 1740 but declining the office, were two of the most active and useful trustees of the proprietary province of Georgia; see J. R. McCain, *Georgia as a Proprietary Province* (Boston, 1917), pp. 53–54, and citations. The elder Gilbert had eight children but one died in infancy.

11. E. D. Heathcote, *op. cit.*, p. 75, records him as having been born in 1666, though the genealogy furnished to Robert Bolton for his *Westchester County*, vol. II, p. 216, and the account of his great-grandson, E. F. De Lancey, in J. T. Scharf, *History of Westchester County* (Philadelphia, 1886), vol. I, p. 153, say in 1665. Very probably the confusion arises from the older authors having taken the date old style. It would seem best, then, to take the year as 1666.

12. Addressed to Cromwell about 1654; quoted in H. L. Osgood, *The American Colonies in the Eighteenth Century* (New York, 1924), vol. I, pp. 51–52. "Our ships are laden with the harvest of every climate: our tables are stored with spices, and oils, and wine: our rooms are filled with pyramids of China, and adorned with the workmanship of Japan: our morning's draught comes to us from the remotest corners of the earth: we repair our bodies with the drugs from America, and repose ourselves under Indian

San Rafael, California

canopies. My friend Sir Andrew calls the vineyards of France our gardens; the Spice Islands, our hotbeds; the Persians, our silk weavers; the Chinese, our potters. Nature indeed furnishes us with the bare necessities of life; but traffic gives us a great variety of what is useful, and at the same time supplies us with everything that is convenient and ornamental."—*The Spectator*, May 19, 1711.

13. In a note to a "Memoir of the Honourable James De Lancey" written by Edward F. De Lancey and published in the *Documentary History of the State of New York*, (Albany, 1851), vol. IV, p. 1039, it is said of Caleb Heathcote: "He was engaged to a very beautiful lady, to whom he introduced his eldest brother, Sir Gilbert Heathcote, . . . a circumstance most unfortunate for him, for the lady soon found she preferred the elder brother, broke her engagement with the younger, who at once left England and came to New York, where he arrived in 1692." The difficulty here is that Gilbert and his wife had been married about ten years at the time of Caleb's departure and had at least four children (see *Dict. of Nat. Biog.* under "Gilbert Heathcote," and genealogical table in R. Bolton's *Westchester County*, vol. II, opposite p. 216). E. D. Heathcote, a descendant of Samuel, in his *Families of Heathcote*, pp. 75–76, puts forward the more plausible account here accepted, quoting from a letter from Caleb, at the time of his own marriage, to Samuel referring to an unpleasantness of years before and proposing that they both bury the memory of it.

14. See account of the Heathcotes in Thomas Ford, *History of Chesterfield* (London, 1839).

15. He was one who petitioned for the convoy to stay with a fleet of merchantmen stopping over at New York, October 30, 1690; see *Acts of the Privy Council*, Colonial Series, 1680–1720, No. 381.

16. *Cal. St. P. Col.*, 1693–1696, no. 1071; *Minutes of the Common Council of the City of New York*, 1675–1776 (New York, 1905), vol. I, pp. 26, 37, 128, 279, 321, 322, 379; Surrogate's Office Wills, Liber VII, p. 3; D. T. Valentine, *Manual of the Common Council, New York* (1853), p. 403;

J. G. Wilson, editor, *Memorial History of the City of New York* (New York, 1892), vol. II, pp. 144, 145 (notes); Berthold Fernow, *Calendar of Council Minutes*, 1688–1783, *N. Y. State Library Bulletin*, no. 58 (Albany, 1902), p. 47. References to his ships plying along the coast or across the Atlantic may be found in the Winthrop Papers in the *Collections of the Massachusetts Historical Society*, 5th Series, vol. XIII, pp. 287–288; 6th Series, vol. III, pp. 464, 511. See also *Publications of the Colonial Society of Massachusetts*, 1913–1914, p. 10, note. Bellomont spoke of him as reputed to be a Quaker; possibly he is the same George Heathcote who was imprisoned as one of that sect by Governor John Endicott of Massachusetts for "delivering the governor a letter and not putting off his hat," —see S. A. Drake, *History and Antiquities of Boston* (Boston, 1856), vol. II, p. 394.

17. See analysis of vol. 22 of Colonial Office Papers in C. M. Andrews, *Guide to the Materials for American History to 1783, in the Public Record Office of Great Britain* (Washington, 1914), vol. I, p. 228; *N. Y. Civil List*, 1884, p. 155.

18. As to the exact date of his coming, there is disagreement. E. F. De Lancey, in his article on Caleb Heathcote in *Appleton's Cyclopedia of American Biography* (New York, 1888), and E. D. Heathcote, *loc. cit.*, say 1691, though De Lancey had said 1692 in his article in the *N. Y. Doc. Hist.*, vol. IV, p. 1039. If 1691 be taken, it must have been very close to the end of the year, on Heathcote's own testimony on April 10, 1704, as to when he "first came amongst them, which was about twelve years ago"; see letter of that date of the Society for the Propagation of the Gospel, printed in Robert Bolton's *History of the Protestant Episcopal Church in Westchester County* (New York, 1855), pp. 34–40.

19. J. G. Wilson, editor, *Memorial History of the City of New York*, vol. II, list on p. 296.

20. See, for example, the De Peyster papers and Colden papers in N. Y. Historical Society Library.

21. John Miller, *New York Considered and Improved*, 1695 (V. H. Paltsits, editor, Cleveland, 1903), p. 45.

22. *Acts of Privy Council*, 1680–1720, no. 744; petition of February 20, 1771, in *Documents Relative to the Colonial History of the State of New York* (first series, Albany, 1853–1861)—to be cited hereafter as *N. Y. Col. Docs.*—vol. V, pp. 331–332.

23. S. E. Morison, *The Maritime History of Massachusetts, 1783–1860* (Boston, 1921), p. 27. The reference to the Borneo trade mentioned above is found in J. T. Adams, *History of Southampton* (Bridgehampton, 1918), p. 124.

24. Randolph's letters of April 26, 1698, and November 5, 1700, are in R. N. Toppan and A. T. S. Goodrick, *Edward Randolph; Including Letters and Official Papers* (Prince Society, Boston, 1899), vol. V, pp. 174, 214; also *N. Y. Col. Docs.*, vol. IV, p. 301, and *Cal. St. P. Col.*, 1697–8, no. 404.

25. *Cal. St. P. Col.*, 1699, no. 292 (1). Other depositions here cited charged Captain Evans with debauching the elections of Ulster County in 1695, where he had been given a scandalously large grant by Fletcher. Bellomont complained of him as a person of mean family, his father having been originally a shoemaker; *ibid.*, no. 381.

26. *Calendar of Historical Manuscripts in the Office of the Secretary of State* [of New York], vol. II, p. 222. The first account runs against Major Ingoldsby, commanding the regular troops; see also *Cal. Ex. Council Min.*, p. 69, where a warrant is dated January 8, 1692, apparently new style, as it comes directly after December 31, 1691. This invoice may have been delivered before he came to America.

27. *Cal. St. P. Col.*, 1700, no. 387.

28. *Cal. Council Minutes*, pp. 74, 82, 83.

29. *Ibid.*, p. 103.

30. *Ibid.*, pp. 177, 179, 183, 195, 196, 202.

31. *Cal. St. P. Col.*, 1689–1692, no. 2409; *ibid.*, 1693–1696, nos. 1860, 1994; *ibid.*, 1696–1697, p. 177, nos. 338, 349, 659, 1098; see also *Acts of the Privy Council*, 1680–1720, p. 820, which gives the date of August 1, 1695, for the board of trade's recommendation. Heathcote's appointment was really irregular, as Fletcher was not supposed to appoint a councillor without first obtaining per-

mission only when for some reason the number fell below seven.

32. See Mrs. Schuyler Van Rensselaer, *History of the City of New York in the Seventeenth Century* (New York, 1909), vol. I, p. 209.

33. John Miller, *New York Considered and Improved*, p. 40. "Our chief unhappyness here is too great a mixture of nations, and English ye least part; ye French Protestants have in ye late King's reign resorted hither in great nu[m]bers proportionately to the other nations' inhabitants. Ye Dutch, generally, ye most frugal and laborious, and consequently ye richest; whereas most of ye English are the contrary, especially ye trading part"; Christopher Lodowick, "New York in 1692," *N. Y. Historical Society Collections*, Second Series, vol. II (New York, 1849), p. 244.

34. See W. R. Rossiter, *A Century of Population Growth* (Washington, 1909), p. 9, for estimates of colonial population in tabulated form.

35. William Smith, *History of the Late Province of New York* (ed. of 1829, New York), vol. I, p. 102.

36. *N. Y. Civil List*, 1886, p. 270.

37. The list of officials in April, 1693, with salary, etc., is found in *N. Y. Col. Docs.*, vol. IV, pp. 25–28.

38. *N. Y. Civil List*, 1886, p. 311.

39. *The Public Records of Connecticut*, 1689–1706 (Hartford, 1868), p. 524. For a discussion of the use of titles in Virginia see P. A. Bruce, *Social Life in Virginia* (Richmond, 1907), p. 103 *et seq.*

40. *The Colonial Laws of New York* (Albany, 1894), chapter 270. The acts prescribing the methods of road maintenance are to be found in *Colonial Laws*, vol. I, pp. 532–538 (1703), 573–575 (1704), 587 (1705), 632–633 (1708), 722, 795–800 (1713). Those who did not perform work on the roads were liable to tax for the appropriate number of days at three shillings per day. The furnishing of a team and wagon was equivalent to three days' work. The road obligation ran as high as six days per year, each man bringing his own tools. Roads were by law to be four

rods wide with the brush grubbed out and stone carried away for at least one rod. Property-owners were obliged to keep the limbs of the trees lopped off on each side.

41. That such designations were not related solely to property is learned by an examination of colonial wills, where the property of "gentlemen" and "yeomen" seems to have differed little in character or amount; see, *e. g.*, *New York Historical Society Collections*, Wills, vol. I, pp. 171, 174, 177, 183, 185, 210, 219, 282, 333. Caleb Heathcote is described as a "gentleman" in a will mentioned, *ibid.*, p. 233. The office of justice of the peace seems to have carried with it the title of "esquire" (see, *op. cit.*, vol. I, pp. 295, 326), the captains of naval ships might be so designated (vol. II, p. 63; vol. IV, p. 453), and the purser on such a ship appears as a "gentleman" (vol. II, pp. 100, 135). Judges in Maryland were entitled to be addressed as "esquire"; J. T. Scharf, *History of Maryland* (Baltimore, 1879), vol. II, p. 50. In Massachusetts, "one of the settlers who had stolen corn from the natives was ordered to restore it twofold, pay five pounds, and be degraded from his title of 'Mr.,' while his two servants who acted with him in this theft should be whipped"; E. Channing, *History of the United States* (New York, 1905), vol. I, p. 339. Apparently all that can be deduced from such a study is that the New Yorkers of two hundred years ago were much more particular as to distinction of estate and title than are their descendants to-day, though somewhat less so than their contemporaries in Virginia. It is interesting to compare their practice with that in England, which had not greatly changed from the time when William Harrison wrote as follows in his notes to Ralph Holinshed's *Chronicle*, London, 1577 (edition of 1586), p. 148 *et seq.*: "We in England diuide our people commonlie into foure sorts, as gentlemen, citizens or burgesses, yeomen [and those?] which are artificers, or laborers. Of gentlemen the first or chéefe (next the king) be the princes, dukes, marquesses, earls, viscounts, and barons: and these be called gentlemen of the greater sort, or (as our common vsage of spéech is) lords and noblemen:

and next vnto them be knights, esquiers and, last of all they that are simplie called gentlemen; so that in effect our gentlemen are divided into their conditions, whereof in this chaptter I will make particular rehearsall. . . . Who soeuer studieth the lawes of the realme, who so abideth in the vniuersitie giuing his mind to his booke, or professeth physicke and the liberall sciences or beside his service in the roome of a capteine in the warres, or good counsell giuen at home, whereby his common-wealth is benefitted, can liue without manvell labour, and thereto is able and will beare the port, charge and countenance of a gentlemen, he shall for monie haue a cote and armes bestowed vpon him by heralds (who in the charter of the same doo of custom pretend antiquitie and seruice, and manie gaie things), and therevnto being made so good cheape be called master, which is the title that men giue to esquiers and gentlemen, and reputed for a gentleman euer after." See also R. N. Toppan, "The Failure to Establish an Hereditary Aristocracy in the Colonies," in *The Colonial Society of Massachusetts Publications*, vol. III, pp. 407–411.

42. *The Journal of the Legislative Council of the Colony of New York*, 1691 to 1775, was published in two volumes by the State in 1861. See, for example, pages 176, 185, 186, 196, 197. As an instance of a councillor's duties we may cite *Cal. St. P. Col.*, 1693–1696, no. 1317, where Heathcote was directed to find some one who would furnish 250 beef cattle for the frontier troops. During the sixteen-nineties the governor, council, and house of representatives are often referred to as "the assembly," but after the turning of the century the term seems to be reserved for the representative house of the legislature. Heathcote attended an executive session on September 17, 1692, two days after his nomination by Fletcher; see extracts from executive minutes offered in support of New York's title to the Hampshire Grants, *New York Historical Society Collections* for 1869, p. 397.

43. *Journal of Legislative Council*, vol. I, p. 186.

44. Fletcher to board of trade, May 29, 1695, *Cal.*

St. P. Col., 1693–1696, p. 489; C. W. Spencer, *Phases of Royal Government in New York*, 1691–1720 (Columbus, 1905), p. 47.

45. *New York Historical Society Collections* for 1869, p. 430. Similar examples are found in *Cal. St. P. Col.*, 1689–1692, no. 2469; *ibid.*, 1693–1696, no. 1217; Assembly Minutes (MS. in N. Y. Historical Society Library), p. 108; entry for April 17, 1701, in Bayard MSS. (in same library), answer to Bellomont, item 4; etc.

46. A pamphlet of the year 1696 entitled *A Letter to a Friend concerning the credit of the Nation, and with relation to the present Bank of England, as now established by the Act of Parliament* and summarized in J. E. Thorold Rogers, *First Nine Years of the Bank of England* (Oxford, 1887), pp. 73–81, has the following: "Till credit be restored, high interest will continue, for it will be impossible by any laws to hinder men from lending or borrowing above or below the natural interest. If I want money, I shall find out ways to give ten per cent interest, when I cannot have it for less, although the law forbids men to take more than six per cent."

47. Heathcote is seen lending money for the payment of soldiers in the entries of August 9, 1694 (*Cal. St. P. Col.*, 1693–1696, no. 1217), and entry for Nov. 5, 1696 (*Cal. of Council Min.*, p. 119). See also *Colonial Laws of New York*, chapter 112, vol. I, p. 497.

48. *Colonial Laws*, vol. I, pp. 493, 627, 775.

49. Examples of Heathcote's advances of this character may be found in the *Cal. of Council Minutes*, pp. 74, 112.

50. The unfavorable characterization by William Smith (not to be confounded with the chief justice by the same name, who flourished fifty years before and who has already figured in these pages) is found in his *History of the Late Province of New York* (1829), pp. 107 *et seq.* Lieutenant-Governor Colden brought forth his defense in his "Letter on Smith's History" written in 1759 and 1760, but published in the *Collections of the N. Y. Historical Society* for 1868 and 1869. A fair, though somewhat sketchy, account of the administration may be found in a

paper by Alice Davis published in the *Quarterly Journal of the New York State Historical Association*, October, 1921, pp. 213–250.

51. *Memorial History of the City of New York*, vol. I, p. 505, note.

52. Alice Davis, *loc. cit.*, p. 243.

53. For a favorable account of Leisler see the "Life" by Charles Fenno Hoffman in Sparks's *American Biography* (Boston, 1844); for a hostile treatment see J. R. Brodhead, *History of the State of New York* (New York, 1871), vol. II, pp. 564–648; fairer treatment may be found in H. L. Osgood, *American Colonies in the Seventeenth Century* (New York, 1904–1907), vol. III, chap. XV, and elsewhere. The theme is so dramatic that playwrights have given it their attention; Elizabeth Oakes Smith's *Old New York, or Jacob Leisler* (New York, 1853), and W. O. Bates's *Jacob Leisler* (New York, 1913) may stand as examples; see also the novel *The Begum's Daughter* (New York, 1890), by E. L. Bynner.

54. Mrs. Schuyler Van Rensselaer, *History of the City of New York in the Seventeenth Century*, vol. II, p. 563.

55. The voluminous correspondence concerning Fletcher's misdeeds is adequately represented in the *N. Y. Col. Docs.*, vol. IV, and *Cal. St. P. Col.*, 1699. See also Alice Davis, *loc. cit.*

56. Colden's letter on Smith's history, *N. Y. Hist. Soc. Coll.*, 1869, p. 206; for Philipse and De Lancey in this connection, see J. F. Jameson, *Privateering and Piracy in the Colonial Period* (New York, 1923), p. 217, and G. F. Dow, *The Pirates of the New England Coast* (Salem, 1923), p. 182.

57. *N. Y. Col. Docs.*, vol. IV, pp. 385–387.

58. *Ibid.*, p. 418. A slightly different version is found in *Cal. St. P. Col.*, 1697–1698, no. 978.

59. Colonel Young was seventy-five years old and died that year. He lived 150 miles away and had attended council on only three days in seven years. John Lawrence was eighty-two. *Journal of Leg. Council*, vol. I, pp. 43, 44, 47; *N. Y. Col. Docs.*, vol. III, pp. 416 (note), 420; vol. IV, pp. 400, 440. Colonel Townley must also be excepted,

but since he never served at all, he is scarcely worth notice here.

60. *N. Y. Col. Docs.*, vol. IV, pp. 308, 387, 457, 481 (Bayard); 380, 440 (Minvielle); 398, 440 (Willet); 307, 386, 457 (Nicoll). The charges against Bayard are summarized in William Smith, *History of New York*, vol. I, pp. 130–131. They are given at length with answers in the Bayard MSS. (N. Y. Hist. Soc. Library).

61. *N. Y. Col. Docs.*, vol. IV, pp. 390, 413; speeches of Bellomont to the assembly May 18, 1698, *Journal of Leg. Council*, vol. I, p. 111.

62. *N. Y. Col. Docs.*, vol. IV, pp. 399 (Pinhorne), 355–357 (Brooke).

63. The latest full account of this controversy is in H. L. Osgood, *American Colonies in the Eighteenth Century*, vol. II, chap. XVIII; in the present study the transcript of Assembly Minutes MSS. (N. Y. Hist. Soc. Library), pp. 105–106, was used.

64. *Journal of the Votes and Proceedings of the General Assembly of the Colony of New York* (New York, 1764), vol. I, pp. 113, 114, under date of Dies Martis, A. M., August 19, 1701. The law mentioned is printed as Chapter 74 (passed May 16, 1699), *Colonial Laws of New York*, vol. I, p. 405 *et seq.* See also Hubert Phillips, *The Development of a Residential Qualification for Representatives in Colonial Legislatures* (Cincinnati, 1921), pp. 106–111.

65. *N. Y. Ass. Journal*, vol. I, p. 135. *The New York Civil List* is in error in indicating Heathcote as sitting for Richmond County.

66. See Wallace Gandy, *Association Oath Rolls of the British Plantations* (London, 1922), introduction.

67. *N. Y. Ass. Journal*, vol. I, p. 136.

68. The names signed to the companion address to the king are found in *N. Y. Col. Docs.*, vol. IV, pp. 933–942.

69. Bayard printed an account of his trial as *An Account of the Illegal Prosecution and Tryall of Coll. Nicholas Bayard, in the Province of New York for supposed high treason in the year* 1701–2. *Collected from several memorials*

taken by divers persons privately, the commissioners having strictly prohibited the taking of the tryal in open Court (New York, 1702). Bayard was tried under a statute that he himself had helped to frame to expedite Leisler's conviction. The trial is reprinted in T. B. Howell, *Collections of State Trials* (London, 1816–1828), vol. XIV. On Wenham and French see *N. Y. Col. Docs.*, vol. IV, p. 958.

70. They were reprinted April 2, 1702. On May 3 came a letter from the queen's officers directing a respite of sentence. On July 2 the queen granted an appeal and admitted them to trial. On October 28, 1702, Bayard petitioned Cornbury and council for papers of his trial to aid in the prosecution of appeal. The first act of the New York legislature declaring the original proceeding illegal was passed in 1703, and approved by the queen December 18, 1704, and more formally approved January 8, 1707. Copies of all these papers are in the Bayard MSS. (N. Y. Hist. Soc. Library).

71. *Cal. St. P. Col.*, 1702–3, no. 100 i; *Acts of the Privy Council, Colonial Series*, 1680–1720, pp. 821, 822. William Atwood was removed to make way for Colonel Smith; for his side of the controversy see "The Case of William Atwood, Esq.," in *N. Y. Hist. Soc. Coll.*, 1880, pp. 237–323.

72. In raising money for defense in June, 1703, the legislature voted the following as ways and means: Every member of the council to pay a poll tax of forty shillings; an assemblyman, twenty shillings; a lawyer in practice, twenty shillings; every man wearing a periwig, five shillings and sixpence; a bachelor of twenty-five and upwards, two shillings and threepence; every freeman between sixteen and sixty, ninepence; the owner of slaves for each one shilling. See *N. Y. Colonial Laws*, vol. I, p. 550 *et seq.* The statement made by C. M. Andrews in his excellent *Colonial Folkways* [Chronicles of America] (New Haven, 1919), p. 83, that "wigs were worn by all ranks," by fair inference from the law quoted above would not apply to New York. This sumptuary legislation seems addressed to those who could well afford to pay.

II

In which Caleb Heathcote, aged twenty-six, takes charge of a county.

SHORTLY after his first appointment to the council, Caleb Heathcote was made the colonel of the Westchester militia. This no doubt was gratifying to one who could so freshly call to mind the respectable position of the lord-lieutenant of an English county; the other colonels, Abraham De Peyster, Thomas Willet, John Young, Stephen Van Cortlandt, Peter Schuyler, and Gerardus Beeckman, were men of substance and distinction in the province. The entire force of New York stood on the roll at three thousand men, of whom two-thirds were mustered from the island counties.[1]

But the citizens in these older settlements around the Hudson's mouth and on Long Island felt secure from Indian attacks, and the colonels found it difficult to get their quotas for the necessary frontier service. During more than half the life of Caleb Heathcote in America, some thirty years until his death, in 1721, his country was formally at war with France, and a military charge was by no means a mere compliment. When in 1693 an assignment had been made to him for relief troops for the northern garrisons, he wrote from "Mamorinack" on the fifth of May to Matthew Clarkson, secretary of the prov-

ince: "Ive read yrs & Very much admire that we have no more men at Yorke, I tooke all Imaginable Care In Giving ye Captns speedy notice, who sent me word they should do it w-out much difficulty. Ive wrote very sharply to them all, wch I hope will have its due Effect." [2] But the record of a case which came to court reveals that instant and unquestioning obedience was not always to be counted on: when "the Townes Company was Called to gether and Capt Ponton Asked them who was willing to goe Volentiers for the said Expedition, and Gabriel Leggett answered they was ffooles if Any of them did goe, & said who would give them a Legg or An Arme if they Lost them." [3]

The Westchester militia had a reputation for turbulence and insubordination, as is indicated in the commission as judge advocate given by Governor Fletcher in 1693: "Whereas I am informed that several disorders and misdemeanors are daily committed by the regiment under your command, and no obedience paid to my several orders for prevention thereof; . . . I have thought fit and do hereby erect, constitute and appoint a court martial in Westchester County aforesaid, and hereby I empower and authorize you, the said Caleb Heathcote from henceforth and all times, when so often it shall be found needful to call the said court martial, which shall consist of you the said Caleb Heathcote, as president judge advocate, and six at least of the commissioned officers under your command. . . ." [4] That he had to lecture his men on their delinquencies is shown

by a brief entry in the minutes of the provincial council on April 24, 1695, to the effect that the governor caused to be read a discourse held by Caleb Heathcote to the militia of Westchester to bring them to a right understanding of the governor's proceedings with the late assembly and their own bad return, and, having thanked him for the same, ordered it to be printed and published.[5] But if William Bradford, printer to the King's Excellent Majesty at the Sign of the Bible, ever issued any such address, apparently no copies have survived.

His regiment at first was made up of six companies, totalling two hundred and eighty-three officers and men,[6] but by 1700 it had dwindled to one hundred and fifty-five.[7] There was, of course, some loss by deserters, and the colonel, however conscientiously he tried, could not always apprehend them;[8] very possibly, too, the second count was taken with a stricter care. But the reason for the disparity in totals was more serious; only three companies were numbered, because the citizens of Rye and Bedford had seceded from New York and joined Connecticut.

These two towns, which lay along the border, had been settled from New England and sent their deputies regularly to the general court at Hartford from the time of their foundation, Rye in 1663 and Bedford in 1681,[9] until the intercolonial agreement of 1683 bestowed them definitely upon New York. For a dozen years they restively endured this alien rule, thinking of themselves as "lost provinces" quite as

much as those feudal territories which Louis of France was at that very time picking off from the dominions of the Holy Roman Emperor. According to the New York law, unlike that in Connecticut, Indian cessions were not good without a patent, properly paid for, issued by the royal governor, and this the eastern settlers had been unwilling to secure.[10] When, in 1695, Governor Fletcher granted away a large part of their back-land to one John Harrison and certain prominent politicians of Manhattan, they were stung into action. First they vigorously protested to the council, sending by Colonel Heathcote a copy of their old deed from the Siwanoys, though to no avail.[11] They then, on January 19, 1697, successfully petitioned Governor Robert Treat and his council at Hartford that they be received again into their old relation as Connecticut towns.[12] The colonel, whose land lay in that direction and whose military jurisdiction ran through to the border, was despatched by the governor and his colleagues to confront these malcontents with his persuasive arts, or better say his magisterial manner, and induce them to submit with a good grace. In his letter to the governor and council there is revealed something of the man himself as well as of the circumstances of the "Rye Rebellion":[13]

Westchester, Feby 19, 1696/7

Gentlemen,—I had long ere this given you an account of my Rye Expedition, had I not at my coming here been kept Prisoner a Fortnight or three weeks by reason of the weather and a nimble distemper; . . . from which so

soon as I was disengaged I proceeded and called a meeting of ye Inhabitants, taking particular care to have the Ring-leaders summonsed; and enquired of them the reason of the Revolt. They told me that the grant to Harrison and his associates was so great an Injury to 'em that their town was nothing without it, and that they had as good lose all as that; and a great Deal of Stuff to that effect. I asked them why they did not take out a Patent when it was tendered them. They said they never heard that they could have one. I told them that their argument might pass with such as knew nothing of ye matter, but that I knew better; for that to my certain knowledge they might have had a patent had they not rejected it; and that it was so far from being done in haste or in the Dark, that not a boy in the whole Town nor almost in the whole County but must have heard of it; and that I must always be a witness against them, not only of the many messages they have had from the Government about it, but likewise from myself. At which they began to be divided amongst themselves, some saying It was true, others that those the Crown had employed had proved false to 'em. After a great Deal of time spent in argument on this and other subjects, I endeavoured to make them sensible of ye risque they run in this affair. But they seemed Deaf to all I could say, arguing that the Government of Connecticut had taken them under their Protection, and shewed me a blind sort of Paper from under Kemblell's[14] hand to yt effect. When I found I could do no good with the herd I talked separately with some of ye Hottest of 'em; which seemed to take some Impression; and I desired them to talk with their neighbours, and lett me know their minds against I came yt way again, that I might be able to serve them before it was run so far that it would be out of my Power.

I told them as to the last purchase, wherein I was concerned, if that gave them any dissatisfaction, I would

not only quit my claim,[15] but use my interest in getting them any part of it they should desire. Their answer was, they valued not that; it was Harrison's patent that was their ruin.

I intend, God willing, before my return to Yorke, to throw one Journey more away upon them, tho' I despair of Successe therein. However my utmost Endeavours shall not be wanting therein.

I am, Gentlemen, in much sincerity,

Your most obedt and affecte servt,

CALEB HEATHCOTE.

The towns of Rye and Bedford remained for four years the objects of concern and contention at Hartford and at Fort William Henry. Colonel Heathcote made some further excursions in diplomacy, combining generosity with firmness, but without success;[16] the high sheriff of Westchester, Benjamin Collier, when he went to hold elections, encountered a doughty major with a bodyguard of fifty soldiers come from Stamford, and was forced to content himself with a few hesitant formalities. Finally, in 1700, the king, three thousand miles away, decided against claims of the eastern colony to the two towns and its legislature surrendered: "they are freed from duty to this government and that they are under the government of New Yorke."[17] The mimic war was over, the train-bands returned, and the colonel could muster his six companies again.

But if a colonelcy at twenty-six seems more natural to an aristocratic age or a new country than to our present circumstances, no less so was the judicial character with which he straightway was invested.

As a member of the governor's council he was a justice of the peace "as of the Quorum," whereby he was empowered to act in any county within the province,[18] but he confined these duties to Westchester, and chiefly to the Court of Sessions. This tribunal had been organized in 1683, when the county was established, and met in the shire town of Westchester for two terms each year, beginning the first Tuesday in June and the first Tuesday in December. It was composed by law of three justices of the peace, but in actual practice Caleb Heathcote often sat alone.[19] He was, of course, not learned in the law, but justice could have been but meagrely administered in the New York of that day if legal training had been required for its courts. There were but seven or eight lawyers in the province, and, if Governor Bellomont's report of 1698 is to be credited, they were not ornaments to their profession. Two were transported felons, one had been a dancing-master, one a glover, and none had in England risen to the status of attorney. The chief justice had been bred a soldier and the attorney general had come over as a merchant.[20]

Common sense was the requisite equipment, for the court touched the life of the little settlements at many points. It was a sparsely settled county that it served, about the same in area as now, but with less than two thousand people, mostly English, though there were Dutch along the Hudson and French in New Rochelle. Its population, except for those in Bedford, was generally confined to the string

of settlements along the water edge, where a traveller would have found a curious mixture of quaint Old World custom and backwoods informality.[21] Since 1691 the court had by law been restricted in its jurisdiction to criminal matters,[22] but in fact it seems to have taken cognizance of almost anything proposed for the public good, taking on legislative and executive powers as well as those judicial. It will doubtless make somewhat clearer the service of the presiding judge, as well as the circumstances of contemporary life, if some of its work is outlined.

"Whereas the Grand Inquest Represents to this Court that Care may be taken for the Destroying of wolves," runs the yellowed manuscript for 1692, the year that Caleb Heathcote took his place upon the bench; it was ordered that "Wolvfe Pitts" be made and that heads of wolves should be brought to the constable, who should "Cutt of[f] the Eares of[f] from the said wolvfes head and Naile it up in some Conventt Publick place." The captor was to get twelve shillings, although the price was reduced two shillings when Indians were to be paid. The court laid a tax upon the subdivisions known as the "constableships" for the construction of the wolf pits. It directed that the highway law be followed out and directed that every town, precinct, and patent choose an overseer, and it was "further ordered by the Court aforesaid that Mr. John Hostier of New Rochelle be Generall Surveighour of this County [to see that] the aforesaid order [be] performed and putt in execution accordingly." If any one refused to do his share of

work the surveyor was to hire some one in his place and charge him five shillings for each day—revealing to the curious modern reader the price for unskilled labor in that time, for generally such fines, to make the penalty more formidable, were put at twice the current wage. At another time it required a bridge to be repaired; it likewise set the standards for weights and measures.

The court did, of course, concern itself with such crimes as those of personal violence, theft of animals, fraud in selling carrion beef or a horse without a tongue, etc.,[23] but it also saw to the collecting of taxes, threatening the collectors with jail if they delayed. When in 1694 £2,660 was to be raised to pay one hundred and seventy soldiers for the frontier service, the quota of the county was £133, or about a twentieth part. The assessment which it made on December 4, 1695, was according to the following valuation:

Every Acre of Arible land in Tillidge....	15 sh.
Every Acre of Pasture Land in fence....	3
Every Acre of Salt Meadow.....	15
Every Acre of fresh Meadow.....	10
Every home lott Improved.....	15
All neat Catle of 3 years & Upwards....	40
All sheepe & hoggs of 1 yeare & Upwards..	3
horses & mares 4 yeares & Upwards.....	3£
Negroe men 12 yeares to Sixty yeares...	12
Sojourner by the head	24
Every handecraft by the head not otherwuys rated.....	50

But the colonel wrote to Secretary Matthew Clarkson that it was sometimes difficult indeed to collect the tax in Westchester because of the destitution of the people.[24] It is interesting as we pass to note his own relation to the taxes. As a member of the council he consented to the levy; as presiding judge of the Westchester Court of Sessions he supervised the assessment; as farmer of the excise he collected money himself; and as a contractor he spent the money so secured for outfitting troops or furnishing supplies.

He was appointed, likewise in 1693, the first judge of the Court of Common Pleas, which had jurisdiction over civil cases, though vaguely limited in practice, and he held this appointment, as well as that upon the Court of Sessions, until his death, in 1721.[25] He served also as judge of the Prerogative Court, which had been set up by law in 1692 to probate wills and grant marriage licenses, though it seemed in fact to have been little more than a phase or function of the Court of Sessions.[26] In 1711 he was made a master in chancery.[27] As a member of the council he might review the most important cases arising in his neighborhood, including civil actions which involved over a hundred pounds. This young judge and colonel, scarcely twenty-seven years of age by the time of most of these various appointments, was, therefore, all in all, a kind of patriarch of the county, keeping an eye, benevolent but exacting, on its multiform activities.[28] Many communities in times past have been governed largely by one man,

and it may have seemed the most desirable solution in providing for a seventeenth-century shire, as for a county palatine, if the right man could be found. It surely centred the responsibility, as reformers of our modern county government would have it.

After Caleb Heathcote had lived a short time in the province of New York he showed a venturesome independence by taking up his residence in the town of Westchester, a little hamlet reaching back in history more than half a century, but boasting only two score families, mostly English from the eastern colonies. The region, now well inside the greater city, was then remote, and yet the colonel kept in fairly close connection with his business and political responsibilities. He maintained lodgings in the city, it is true, where he doubtless stayed from time to time;[29] on the other hand, his absence from the council was sometimes for considerable periods, to the governor's embarrassment.[30] Yet, making due allowance for the irregularities due to poor facilities for travel, this young bachelor may be called, perhaps, one of the county's first commuters, if not, indeed, the first.

It was not until 1696 that he definitely made this change, as his first recorded deed describes him as a merchant living in New York.[31] In July of that year he bought from two yeomen certain interests, or privileges, in the undivided land of Westchester, one for £15 6s. 9d., New York money, and the other for half that sum,[32] and the following year a privilege, larger than those two together, "within the limits of

a place commonly called Frogg's Neck."[33] The land system of the community, and, indeed, its mode of government in general, was not unlike that of the New England towns. The "ffreeholders and comonality" in session could hardly be distinguished from a true town meeting and the trustees had the functions of the selectmen to the eastward. The green was there and the common land, with privileges rated in the clerk's book in five grades, from twenty-five pounds to five times that sum. On this common or commons, beyond the planting fields, the cattle grazed together, distinguished only by recorded earmarks, and the town flock under the care of a shepherd duly hired by the two sheepmasters. The health and safety of such property sometimes required attention from the officers, as when John Williams, the tanner, was ordered to take his establishment off the commons because he ran the refuse from his vats (which the clerk insisted upon writing "tann fats") into the living spring at Dirty Brook, a constant menace to animals that drank there. This too enterprising tanner had likewise outraged the public sense by cutting bark from the trees in the common forestland. The village fathers could not temporize with such a man. Altogether the record shows a well-ordered little community with a care to everything; even the fences around the individual plots, whether of log, or post and rail, or stone, were carefully regulated as to height by the trustees.[34]

The colonel went to live in Westchester no doubt because his sojourns there on official business had

revealed to him its attractiveness and its opportunity, and once there he showed his characteristic energy for improvement. Near the end of the first year he bought a half interest in the mills of Richard Ward, then not quite completed; later he apparently acquired the sole proprietorship, and then erected other grist mills on the Great Creek of Westchester. For his "liberty" he engaged to grind the neighbors' corn into good meal every Tuesday and Friday throughout the year, in return for a fourteenth part, and in the interest of health or of small-boat navigation to open his floodgates every fortnight during the summer, under a bond of three hundred pounds. He was granted a liberty to erect some mills on Hutchinson's River, the trustees of Eastchester, from whose land that stream descended, adding their consent, and a similar right to set up a leather mill and a fulling mill "on the brook by Capt. Barnes his house or Stoney Brook." He later had an oil mill to grind flaxseed, and built a sawmill, agreeing with trustees to saw the freeholders' logs by half shares and to sell to any who might prefer to buy at the rate of four shillings per hundred feet of inch boards, with thick plank in proportion, a price about a third less than could be had at other mills in the vicinity and receivable in money or in some good merchantable commodity.[35]

In recognition of his costs and of his services as a man of enterprise, he was granted the privilege of cutting from the common "Billsteed white wood and Gum trees" and other "unrifft timber"—that which

unlike oak and chestnut could not be conveniently riven into fence rails. His monopoly was strictly protected from infringement, certain interlopers who began a mill being peremptorily warned away by the trustees. The public gratitude went further: in the spring of 1697 the community granted as a free gift "as much of that Rising ground lying westward from his mills upon the great creek . . . as he shall have occasion of for the setting of his dwelling house. Also for a Press house for his fulling mill, together [with land?] for a kill house for the drying of oats & that two or three of the Trustees shall go and lay it out to him for such purpose and no other. . . ." Here he built a two-story house, which he covered with shingles and equipped with good brick chimneys, plain enough, no doubt, but still probably the mansion of the town. Some of the colonel's various buildings long stood the storms of time; one of his mills, run by the tide, stood at the southwestern end of the stone bridge spanning between Throg's Neck and the mainland, and was therefore in the thick of the fight long afterward when Sir William Howe's men landed in the fall of 1776, rounding out almost a century until it burned in 1784.[36]

But Caleb Heathcote had a sense of his position in the world. If Westchester was to be his home it must have a proper dignity; to secure this he immediately moved, with fine disdain of the statistics of its population, to have it made a borough town. This through his connection with the government he accomplished, and the little settlement—whose whole

business, it would seem, might have been transacted by a folk-moot and a notary, and whose town records had shown concern only with such humble matters as metes and bounds and sheep and swine, together with a tabulation of the town clerk's children for his personal convenience[37]—now had all the political rights and apparatus of an important English market centre. The charter was granted in 1696, with all due flourish, by "Guglielmus Tertius, Dei Gratia Angliæ, Scotiæ, Galliæ et Hiberniæ, Rex: fidei defensor," etc.; it ran to some seven thousand words, for a city not much exceeding forty houses.[38]

The first mayor, nominated by the sovereign, and indirectly by himself, was Caleb Heathcote, who was to preside over a board of aldermen, common council, and a mayor's court, though in this last he was to be assisted by a recorder, "learned in the law." [39] The borough was to have a free "guild mercaturie," a Wednesday market, and two fairs a year, wherein a court of pie-powder was to administer law merchant. It was likewise to have a seal which its mayor graciously had prepared "and did give it gratis to the town." [40] Only one other community in the province of New York attained to such a status, which carried with it the privilege of sending a "discreet burgess" as a special representative in the assembly, and that was not until near the end of the English period, in 1765, when Schenectady, by reason of her exposed position and the problems of controlling frontier traders, was given a charter; but this Schenectady charter proved too complicated to

be carried into effect.[41] In the case of Westchester it was granted as a dignified appurtenance to one man. And though institutionally this corporation may remind us of a small boy strutting in a grown man's clothes, we may well suppose that there was nothing of the opera bouffe in this mayor's carriage. He bore the "port, charge and countenance of a gentleman" and if anything may stand by inference in the history of the borough town it may be that the erstwhile villagers took no little pride in their chief magistrate and all that he had brought them.

That the dignities of his office were accounted personal is evident in his continued re-election year after year until he died. He moved away and afterward found time to call on his old-time neighbors only when some errand took him through; he served three years as chief magistrate of the city of New York and later held an office in imperial administration that took him often through New England; but all the time he was the mayor of the borough town of Westchester. In actual fact the little community soon settled back into its old ways: Josiah Hunt, the deputy mayor, was more often called the "president"; not much was heard of the aldermen, but much of the trustees; the town clerk, Edward Collier, simply signed himself "recorder," albeit he was no more learned in the law than he had been the day before the charter first was read. They did, however, build a market house on the green and occasionally hold a fair.

The year 1698, as has been noted, marked a break

in the career of Caleb Heathcote as a provincial councillor; the advent of Governor Bellomont, who felt that he had come to cleanse the Augean stables, meant that any who had had the favor of his predecessor were now likely to be swept out of preferment. Indeed, after Heathcote had been expelled from his seat in the council chamber in Fort William Henry, he not only had to be content with no more contracts for government supplies, but soon found himself deprived of certain lands that had been granted him. The incident reveals the meanness of politics in that day and forms a part of an unpleasant chapter in the annals of New York. Yet, from another point of view, anything that had to do with land speculation in what has become the Empire State is not without some interest.

NOTES

1. *New York Colonial Documents*, vol. IV, p. 29.
2. A manuscript letter preserved in the Emmett Collection in the New York Public Library.
3. Case before Caleb Heathcote and six others, June 7, 1693. D. R. Fox (ed.), *Westchester County Court of Sessions* (White Plains, 1924), p. 76.
4. Printed in full in Robert Bolton, *Westchester County*, vol. II, pp. 225–226.
5. *Cal. St. P. Col.*, 1693–6, p. 465; *Cal. of Council Minutes*, p. 105. In 1709 he enlisted Westchester's quota of men (one company) to go to Albany; *N. Y. Hist. MSS.*, vol. II, p. 365.
6. *N. Y. Col. Docs.*, vol. IV, p. 29. When Governor Fletcher went to Pennsylvania in 1694 to attend to his responsibilities in that province, of which for a time he was governor, as well as of New York and the Jerseys,

he left directions for Cols. De Peyster, Willet, and Heathcote to command the force of 1,500 infantry, while Colonel Van Cortlandt was to command three troops of horse (*Cal. St. P. Col.*, 1693–1696, no. 941).

7. *Doc. Hist. of N. Y.*, vol. I, pp. 357, 362.

8. *Cal. of Council Min.*, Jan. 24, 1695, p. 103; *Cal. St. P. Col.*, 1693–1696, no. 1661.

9. J. Barrett, "Bedford," in J. T. Scharf, *History of Westchester County*, vol. II, p. 583; C. W. Baird, "Rye," in *op. cit.*, pp. 654–655.

10. *Cf.* Benjamin Trumbull, *Complete History of Connecticut from 1630 till 1713* (Hartford, 1797), vol. I, p. 373.

11. Charles W. Baird, *History of Rye* (New York, 1871), pp. 92–127, deals with the "Rye Rebellion."

12. *Ibid.*, pp. 92–94.

13. This letter was preserved in the *N. Y. Col. MSS.*, Albany, vol. XLI, p. 36, but was burned in 1911; it is printed in C. W. Baird's *Rye*, pp. 100, 101.

14. Secretary Eleazer Kimberly of Connecticut.

15. He refers to a dispute over title to the White Plains.

16. Letter to Council, March 27, 1696–7; *Cal. of N. Y. Hist. MSS.*, vol. II, p. 256.

17. C. W. Baird, *History of Rye*, p. 118.

18. See *N. Y. Civil List*, 1886, p. 312.

19. *Ibid.*, p. 299; R. Bolton, *Westchester County*, vol. II, p. 298. The original manuscript record of this court for most of the sixteen-nineties is published by the Westchester County Historical Society, 1924. By the organic law the court was to sit also at Eastchester, but after 1691 it sat for both the June and December terms in Westchester.

20. *N. Y. Col. Docs.*, vol. IV, pp. 429, 441, 664, 847.

21. Caleb Heathcote to the Society for the Propagation of the Gospel, June 1, 1704, MS. *S. P. G. Letter Book* (in Church Mission House, New York City), A, 1, p. 174, and John Bartow to same, *ibid.*, A, 9, p. 225. Some idea of the comparative importance of the various settlements ten years after Heathcote's advent may be gained

from the following table found at the end of Liber 4 of the MS. Westchester Town Records filed in the Comptroller's office, New York City: "October ye 20th, 1703, The Quotas of Evre town precinct Mannor & Liberty within the County—

	£	s	d
Westchester	32	0	0
Eastchester	13		
Mamorinack	4		
New Rochel	13		
Pelham	4	18	
Rye	25	10	
Bedford	9	6	
Yonkers	12		
Philipsburg	16		
Scarsdale	3		
Morris Anna	5	18	
Cortland	9	16	

Total £148 8s 0d

22. *N. Y. Colonial Laws*, chapter 4, vol. I, pp. 226–231.

23. Consider the case of Gabriel Leggett:

"The Jurors for our sovereign Lord & Lady the Kinge & Queene upon their oaths do present Gabrill Leggett of ye County Towne of Westchester yeoman, having not the feare of god before his Eyes, & by the Instigation of ye divel at or about the first day of Nouvember the third yeare of the Riegne of our souvereign Lord & Lady: ye King & Queene yt nowing[ly and] feloniously did steale a certaine farrow hogg of a white spotted Culler of the prop[erty] goods & chattels of Thomas Williams [his father-in-law] of ye towne aforesaid, of ye value of twelve pence, and at westchester aforesaid, On the day & date abovesaid. The said hogg did take & Carry away, which is Contrary to ye peace of our souvereigne Lord & Lady the Kinge & Queene their Crowne & dignity, and the publick peace &c, And the Law in yt Case made & provided."

24. Letter of May 5, 1693: Emmett Collection, N. Y. P. L.

25. *N. Y. Civil List*, 1886, p. 439. The list gives his appointment as of 1695, but we have the title used in the minutes as early as 1693.

26. In the minute book of the court of sessions (Leggett copy in N. Y. H. S. Library) is found the following formulary for a letter of administration: "Coll. Caleb Heathcote Judge of the P[r]erogative Court for the County of Westchester sendeth Greeting, Know yee that at a P[r]erogative Court held in Westchester for said County ye 7th & 8th days of octr in the sixth yeare of their majts nam[ely?] Wm & Mary Kinge & Queen &c: in ye yeare of or Ld God 1694: The Will & Testam[en]t of ..... was Proved . . ." The seal of the court (see plate P, no. 1, *N. Y. Civil List*, 1886) with its device of a bishop's hat hints at the ecclesiastical origin of this jurisdiction.

27. *N. Y. Civil List*, 1886, p. 279.

28. There is an interesting extract printed in R. Bolton, *Westchester County*, vol. II, pp. 299–300, dealing with a case brought before Colonel Heathcote.

29. See John Sharpe, "Journal of My Life Exterior," in *Pennsylvania Magazine of History*, vol. XL. The council meetings were sometimes held in Colonel Heathcote's lodgings; see, *e. g.*, *Cal. N. Y. Hist. MSS.*, p. 251.

30. Letter from Lord Cornbury, *Cal. St. P. Col.*, 1704–1705, no. 897.

31. From John Jennings, July 1, 1696; Liber 2, p. 187, of Transcripts of Westchester Town Deeds in the office of the Register of Bronx County, Bergen Building, Tremont Avenue, New York City.

32. *Ibid.*, and from John Bagley, Transcripts, Liber 2, p. 189.

33. From Richard Ponton, Transcripts, Liber 2, p. 216. Throg's Neck, named from John Throckmorton, is, of course, what is meant.

34. This description of the town government of Westchester in Heathcote's time is drawn from the original records now deposited in the library of the Division of Municipal Investigation and Statistics in the Department of Finance, Municipal Building, New York City. They

begin in 1665 and continue into the nineteenth century. The first four libers which were used in this connection are numbered 53–56 in the Comptroller's lists. Some are called "Minutes of the Trustees" and others "Records of Deeds," but they are all a continuous general record. See also Transcripts in Bronx County Register's Office, Liber 2, p. 204, and the Charter of Westchester, published in R. Bolton, *Westchester County*, vol. II, p. 304.

35. Westchester Records, Comptroller's office, entries of Sept. 4, 1694, Dec. 18, 1696, Jan. 2, 12, 1696/7, May 3, July 26, 1697, June 8, 14, 1700, June 24, 1703. See also Transcripts in Bronx County Register's Office, Liber 3, p. 345 and entry of Aug. 25, 1707.

36. Besides the references given in the preceding note, see Frederic Shonnard and W. W. Spooner, *History of Westchester County* (New York, 1900), pp. 353–354; Mrs. M. J. Lamb, *History of the City of New York* (New York, 1880), vol. II, p. 139; Stephen Jenkins, *The Story of the Bronx* (New York, 1912), p. 425; R. Bolton, *Westchester County*, vol. II, p. 295.

37. See Leggett papers in New York Historical Society Library, and town records in Comptroller's office.

38. In the town records, under the date of March 13, 1695/6, the trustees authorize Colonel Heathcote to intercede with the governor for a confirmation of their former patents and seek for such other rights as might be available. On May 19 they thanked him "for his prudent care in getting our priveledge for the town signed & sealed," and laid a rate of £45 to cover the expense. See also *N. Y. Col. Docs.*, vol. IV, p. 427.

39. The charter is printed *in extenso* in R. Bolton, *Westchester County*, vol. II, p. 301–310.

40. MS. Minutes of the Borough Town of Westchester, in Leggett Papers.

41. Jonathan Pearson *et al.*, *History of the Schenectady Patent* (Albany, 1883), pp. 426–431.

III

In which Caleb Heathcote follows the fashion, acquires (with some others) a hundred thousand acres, more or less, and, incidentally, an insight into certain practices of government not outlined in instructions from Whitehall.

HEN the young merchant came to make his home in these dominions he was prepared, of course, to get on in any proper business where there was prospect of good pounds, shillings, and pence. It was a spirit in perfect harmony with that of the community, for commerce, not the arts nor theological speculation, was the interest of its life. In many parts of Europe the economic outlook depressed the individual with ever-present fear and consciousness of deficit; the idea still lingered that property was engrossed and static, and what could change hands seemed to the majority easier to lose than to gain. The problem for most men, though the trend of the last century and a half had made it less acute, was yet to a comparatively large degree one of holding rather than of increasing. But in the New World there was much more optimism, because there was so much more opportunity. With the wealth of a continent behind him and of the sea in front, it seemed that a man could be anything he would. There were stations and degrees and social classes,

adumbrations from the older civilization or reflections of certain fundamental instincts and a "consciousness of kind," but a man of personal competence, if he so willed, might easily penetrate these horizontal barriers.

Caleb Heathcote, his fine address supported by his wealth, had brought, as it were, a passport to the first circle of the province, but a life of dignified otiosity would not have accorded with his own turn of mind, his family tradition, or the circumstances of America. Already among the high, he desired to be among the highest; this would always drive him to activity, commercial in that time and place, even had he not enjoyed it for its own sake. But all around him was activity; nearly every one who counted, except a few officials sent from England, was a merchant—we have seen that he played his part in this rôle—and seemingly they all were speculators in the narrower meaning of the word. In the eyes of Europe the world beyond the seas stood for speculation, as is instanced by the South Sea and the Mississippi Bubbles; in New York the speculation was in land.

Land, the support of life in England, seldom changed hands by bill of sale. Here it represented the future, limitless as itself, and America delighted to traffic in the future. Buy land and reap the profit of the country's growth; this was the maxim of success in the westward movement, from 1607 to our own day; it was a wager, but with destiny at hand as a reliable confederate. It is by this buying ahead

of population that myriads of Americans have themselves got ahead, for even our actual farmers have not made so much money as tillers of the soil as they have as buyers and sellers of their real estate. Certainly, from north to south, this speculation powerfully moved the colonists. In New England, by Heathcote's time, it was conquering, despite the excellent town system which had long deterred it;[1] in the South it finally produced such plungers as George Washington, who left a fortune made chiefly by such ventures.[2] When it sought to carry settlers to the soil it was beneficent, but usually it hindered more than helped. Certainly, New York stands out in history with an unenviable prominence as an example of how speculation taking advantage of a lenient government could debauch a land system. Any one who fingers over the pages of the *Calendar of Executive Council Minutes* will immediately see how much time the disposition of the land took from other matters of public business, and even a cursory glance at the papers of Cadwallader Colden, the surveyor-general, will reveal the shrewdness and persistence with which the men of enterprise followed this game of futures. Indeed, from the lists of land speculators from 1690 to 1800 might be compiled a roll of the most distinguished men of New York, ending with such names as Alexander Hamilton, Rufus King, and Gouverneur Morris.

Land in a royal province was granted by the executive in the king's name. The Indians, writes Chief Justice Marshall, were throughout the colonies "ad-

mitted to be the rightful occupants of the soil with a legal as well as a just claim, and to use it according to their own discretion; but their rights to complete sovereignty as independent nations were necessarily diminished, and their power to dispose of the soil at their own will, to whomsoever they pleased, was denied by the original fundamental principle that discovery gave exclusive title to those who made it."[3] Yet even the Dutch patroons had had to extinguish the Indian title before they could hold their lands.[4] The procedure under English rule was for the applicant to petition the governor for permission to purchase from the aboriginal proprietors. If the council after discussion was disposed to favor it, a license for such purchase was issued by the secretary of the province. The applicant then directly approached the Indians, made his bargain on their terms, and had drawn up for their sign-manuals something to stand as a deed. When this was accomplished he petitioned for a survey by the surveyor-general, which in practice was often overlooked. Report of progress to this point was made to the council, who then directed the attorney-general, or the solicitor-general in Nanfan's time, to draw up letters-patent. These, when signed by the governor and secretary of the province acting for the king, gave permanent possession to the patentee so long as he paid to the crown the quit-rent which was therein specified.

When Heathcote came to New York the business was not fully developed; the proprietary governors

had disposed of land with discretion and restraint, usually granting only to those who would settle and improve, and who it was certain would pay the crown a proper quit-rent. But with the arrival of Benjamin Fletcher it took on a brisk and, at times, a scandalous activity. "The most extraordinary favors of former Governors were but petty Grants in comparison to his," writes Cadwallader Colden, who had a better knowledge of the land transactions in colonial New York than any other man. "He was a generous man and gave the King's lands by parcels of upwards of One hundred thousand Acres to a man and to some particular favorites four or five times that quantity." [5] Heathcote's membership on the council, as has been observed, gave him the best possible advantage for these opportunities. Yet he behaved with moderation; his record shows no shocking greed to parallel that of Captain John Evans of H. M. S. *Richmond*, who patented the great Ulster region of some eight hundred square miles, by means, according to his own story, of a present of five hundred pounds to Governor Fletcher,[6] or that of the Reverend Godfrey Dellius, who seemed to want the Mohawk Valley, not being satisfied with his tract of almost a thousand square miles on the east of the Hudson and Lake Champlain.[7] "It is evident," continues Colden in his comment on such grants by Fletcher and some of his successors, "that in many of these the Governor who granted them was deceived as to their quantity; but that the King was deceived in all of them. The Governors who granted

these large tracts, if they knew their extent, were guilty of a notorious breach of trust, and as it cannot be supposed that they did this merely in the gayety of their heart, they must have had some temptation, and this must be supposed to proceed from them that received the Benefit of it. That therefore the Grantees are equally guilty with the Govr in deceiving the King [is evident], and likewise of defrauding all the adventurers or settlers in the Colony, of their equal chance of obtaining the most improvable and convenient lands, and preventing the improvement and settling of the Colony, for which purpose only the lands are suffered to be granted." Bellomont, the reform governor who followed Fletcher, thought that a thousand acres might well be set as a limit of grant, for it was desirable that the land be actually improved and few purses could bear the charge of clearing more than that amount.[8] He did secure an instruction from the lords of trade in 1698 to the effect that two thousand acres should be the limit of a single grant, but by one shift or another this was easily evaded by his successors.[9]

The first large venture of Caleb Heathcote in wild lands was carried through early in 1697. In February a license was issued by the complacent governor and his council to him and Augustine Graham, the surveyor-general, to purchase Indian lands in Dutchess County. Apparently when this bargain was completed, on May 7, they applied for a patent covering a tract along the Connecticut line, and to this the

governor's signature was affixed twenty days later, doubtless after a suitable "present" had been made.[10] The prime mover in the scheme, however, had before this found it politic, toward making the grant more certain, to associate with himself seven other speculators and politicians like James Emott, Governor Fletcher's personal attorney, David Jamison, the council's clerk, and Jarvis Marshall, its doorkeeper and messenger.[11] This combination of enterprise and political influence came to be generally known as Caleb Heathcote & Company, or, later, the Great Nine Partners.[12] The settlement of this county, upon whose map they now had set their names, was scarcely begun by 1697. Though it had been set up with the others in 1683 its lack of numbers made it seem proper to deny it separate representation until 1713, and, indeed, nine years after that date it had less than two hundred taxpayers on its rolls.[13] Half a dozen patents had been granted before that now drawn to Heathcote & Co., but this was considerably larger than its predecessors, spreading twelve by sixteen miles in area and including the present towns of Washington and Stanford, and most of Clinton, Pleasant Valley, and the old town of Amenia. The tract was soon divided into thirty-six lots, each proprietor taking one from each of four tiers besides one of the narrow "water lots" which together formed a long strip connecting with the Hudson.[14]

But at the same time the much-commissioned judge and colonel of Westchester naturally looked to his own shire for profitable investment. Here the

field was quite different from that of its northern neighbor; land had been granted for over half a century, since Jonas Bronck in the last of the sixteen-thirties crossed the Harlem River to build his home. Though as yet settled only sparsely along the Hudson and the Sound, piece by piece it had passed into private hands, the most notable patents having been taken up by Philipse and Van Cortlandt. Yet there did remain some opportunities in 1696. When Frederick Philipse got his manor grant of Philipseburgh, three years before, his northern line ran from a point a short way up the Croton River to the headwaters of the Bronx. This source had not been located by careful exploration and survey, but it was supposed that it lay in a more or less easterly direction from the mouth of the Croton. It was later found, however, in the Dark Valley at a point by the compass almost exactly southeast. Stephanus Van Cortlandt, the other great proprietor, beginning in 1677, had bought from the Kitchawanc Indians and from speculators a tract of land running north along the Hudson from the point near the mouth of the Croton to Anthony's Nose, and bounded on the south by a "Due East Line Running into the Woods Twenty English Miles" to Connecticut, though exception was made of that part of the town of Bedford which jutted into this large oblong.[15] While the Cortlandt manor was in process of erection, Caleb Heathcote ascertained that the divergence of the boundary lines from the mouth of the Croton left a broad, wedge-shaped piece of land between the properties

of Philipse and Van Cortlandt and, being no laggard in such matters, he set about to get it.

In 1660 John Richbell had bargained with the Siwanoys for lands stretching from Mamaroneck shore far into the interior. Heathcote now acquired from Mrs. Ann Richbell, the widow, the right to repurchase from the Indians, on the principle that it was easier and safer to pay them another price than to make them understand that the property had passed from one white owner to another.[16] On October 12, 1696, soon after the arrangement with Mrs. Richbell was completed, Governor Fletcher granted him "Free liberty and license to purchase vacant land in the County of Westchester."[17] A week later he had bought from one Wampus and other sachems for £100 of New York currency a tract running out from the corner near the Hudson to the Bedford line, then to Byram River and south to the land of John Harrison, this deed containing all the present town of New Castle, except a small strip along the Croton added to that town in 1846, and the western half of North Castle.[18] "It is more elaborate in form," observes a local historian, "than is usual in Indian deeds, which mostly were mere memorandums of sale, in which not even the consideration is stated. Other deeds to Colonel Heathcote are full and formal like this, a circumstance which is probably due to Heathcote's business habits."[19]

The colonel having in hand his Indian deed could now proceed with his application for a patent, such evidence, as we have seen, being required before the

governor and council could consider making a grant; indeed, he engaged to do so within six months. For some reason he delayed. He was now also interested in the Dutchess County project; he was acquiring valuable city properties; he was completing the purchase of what was to become his manor; and he was already in litigation over land. Perhaps he hesitated now to urge a fortune already so beneficent, yet as we are dealing with a member of the council in New York and a close friend of the governor, this explanation does not seem quite plausible; such reticence would ill befit that time and place. At any rate, he delayed too long, for the Earl of Bellomont succeeded Governor Fletcher in April, 1698, and coming avowedly to correct abuses, notably in land grants, he certainly was in no mood to gratify his predecessor's councillors. Five years went by without a further step in this proceeding. The earl, after a stormy career in imperial politics, had passed to his last rest and the government had fallen to the charge of his lieutenant-governor, John Nanfan, whose virtue was far easier in the matter of land grants.[20]

Very likely, it may fairly be inferred from subsequent events, the members of the council now intimated to Caleb Heathcote that a patent might be passed if he would make a suitable arrangement for their profit; but apparently the applicant, believing that in some way he could win his point, for a time refused to bargain. On the ninth of February, 1702, therefore, the "ring" of Leislerian office-holders devised a "strike measure," if the vocabulary of poli-

tics to-day may be applied, and presented the following petition, which they doubtless felt assured would bring Colonel Heathcote to terms:[21]

To the Honourable John Nanfan, Esqr., his Majesty's Lieutenant-Governor and Commander-in-Chief of the Province of New York, and the Honourable Councillors; —The humble petition of Matthew Clarkson, Lancaster Symes, Robert Walters, Richard Slater, Cornelius Depeyster, Leigh Atwood, Barne Cosens, and [erasure] Showeth,

That Coll. Caleb Heathcote, by his petition to Coll. Benjamin Fletcher, late Governor of this province, in Council preferred the 12th day of October, 1696, prayed liberty to purchase of and from the Indians a parcel of land between the Scroton River and the north bounds of Mr. Harrison's purchase, which petition was granted, provided that Coll. Heathcote sued forth a patent for the same within six months then next to come, and

That on the 23d of the said month of October the said Heathcote alledging to the said Governor and Council that he had purchased the said land of the Indians on the 19th of the said month, and producing the said pretended purchase thereof to the council board, it was ordered that a warrant shall issue for surveying the said land. That the said Col. Heathcote, not having, within the time mentioned, procured either patent or survey for the same, and the said land having hitherto lain without any manner of improvements and yielded no rent or other profit to the Crown; may it please your honors, that your petitioners may be allowed to be the first discoverers, and in case no purchase hath been made from the Indian proprietors, that your petitioners may have a license to purchase the same. But in case that the said Col. Heathcote hath made any real purchase, he not having complied with the patent for the said land, under such reasonable quit-rent as to your honors shall seem fit and that in order thereunto a

precept may issue to his majesty's solicitor to inquire into the premises, and that upon return of affidavit found for his Majesty, and after the bounds of the premises shall have been ascertained and the purchase made by your petitioners, if occasion shall require, or otherwise tender of the purchase money, that your petitioners may have a patent thereof and your petitioners will ever pray [etc.].

It may be instructive to inquire as to the identity of citizens so righteously perturbed because the king had had no quit-rents on this tract of land and so hopeful that an affidavit might be found for His Majesty as to its ownership, after which they might themselves become his vassals for it. Matthew Clarkson was secretary of the province and as such signed all patents. Lancaster Symes was an active speculator, who had already acquired land in several counties and was somewhat later to have all ungranted lands on Staten Island;[22] his present Leislerianism and his enmity to Fletcher had given him standing with this administration. Robert Walters was a son-in-law of Leisler and, like Symes, had come to power with the disgrace and departure of Governor Fletcher; since 1698, when Heathcote and the others had been turned out, he had been a member of the council.[23] Richard Slater afterward admitted that he was a "dummy" for Thomas Weaver, a member of the council and, as solicitor-general, charged with the preparation of patents.[24] Leigh Atwood was the son of Chief Justice William Atwood, a member of the council,[25] while Cornelius De Peyster was the younger brother of the president of that body.[26] Barne Cosens,

the clerk of the council, who had succeeded Jamison, afterward swore, on August 12, 1702, that he had had no financial interest in the transaction but had acted as the representative of the lieutenant-governor himself![27]

The strategic place of such men made argument as futile as with footpads; it was of no avail for Heathcote to set forth that he had bought a valuable tract of land in good faith and should have his purchase consummated in a patent. If he would retain any fraction of his property, he must accept the members of this ring as partners. Within five days, apparently, the arrangement had been made, for on the 14th of February Governor Nanfan was pleased to issue a warrant to Solicitor-General Thomas Weaver (both being beneficiaries) to prepare a draft of letters-patent for Robert Walters, Leigh Atwood, Cornelius De Peyster, Caleb Heathcote, Matthew Clarkson, John Cholwell, Richard Slater, Lancaster Symes, Robert Lurting, and Barne Cosens. There are, it is seen, two names new to the enterprise; little is known of Cholwell except that he was an active merchant and land speculator,[28] while Lurting, on the 29th of May, 1702, "did, among other things, declare that his name in the said letters patent was used only in trust for the said Caleb Heathcote, his heirs and assigns," thus giving the original purchaser a fifth share in the enterprise.[29] Heathcote, too, could gain a point through the signature of a dummy. So on the same day, matters moving quickly when the officials had secured the major share of the property, there

was drawn up what was later known as the West Patent of North Castle, presented as from King William the Third, to be held in free and common socage and yielding as annual quit-rent, in lieu of other services and fees, the sum of six pounds and five shillings in the current money of New York. The patent was signed, as faithful and impartial stewards of His Majesty disposing of the royal bounty in the best interest of the Crown, by Lieutenant-Governor John Nanfan and Secretary Matthew Clarkson.

A discerning eye could have detected a minor alteration as to boundaries in the final instrument. Heathcote's purchase had run to the town line of Bedford, but the patent put the eastern bound at the "Bedford line of three miles square." It may have been an innocent error in the office of Thomas Weaver, the solicitor-general, that thus gave to the patentees (among whom was his agent) a claim to nearly a quarter of that town as marked off by its New England settlers, whose concluding purchase from the Indians had taken place not long before.[30] The atmosphere of chicanery, however, which surrounds the whole transaction from the time when Matthew Clarkson and his colleagues took a part, makes more obvious a less pleasant inference. But the confirmation by New York in 1704 of Connecticut's patent to the Bedford settlers quashed the claims of these associates to lands within that town.[31] It was a wide domain that they had taken, dotted now with settlements like Millwood, Armonk, Chappaqua, and Mt. Kisco, but it was only a beginning.

The syndicate which thus was granted the West Patent, almost simultaneously obtained control of nearly all the land up to that time unpatented in the County of Westchester.

During the previous July, Colonel Heathcote, in association with Joseph Theale, John Horton, and Joseph Purdy, all of Rye, had bought of the Indians the tract lying south of the Bedford line. "Caleb Heathcote & Co.," as proprietors of the great gore south of the Croton, now absorbed the smaller combination, the influence of the politicians doubtless again proving indispensable at Fort William Henry; on February 17, 1702, three days after their first enterprise was consummated, they were granted what was later named the Middle Patent, from its position between the great tracts east and west, though, as we shall see, it did not altogether fill the interstice. The Mianus River rises in that southwestern spur of Connecticut which had been adjudged to that colony in 1683, and flows north and northeast into Westchester, finally crossing the Bedford town line at about its middle point. It then turns sharply about, as though it had changed its purpose, and, having included but a small bit of the town, flows due south thirteen or fourteen miles and empties into Long Island Sound. The Middle Patent may, then, be pictured in the reader's mind, supposing any to be curious about details, as a tract lying between Bedford and Connecticut enclosed at the sides by the Mianus River in its north and south courses, in shape almost a triangle, the north line is so short.[32]

On February 25, scarcely a week later, the syndicate, increased in number by Captain Peter Mathews, bought from the Indians, according to some previous arrangements by Heathcote, the great tract called the East Patent, lying east of the Mianus and running around the corner of the county south and east of Bedford, though again cutting off a corner of that town. Indeed, the specifications of the patent were so generous that it took in the great oblong, now the chief part of the town of Lewisboro, running up to Adolph Philipse's land in Dutchess—that is, the southern part, now marked off as Putnam County.[33] The fact that New York's title to this oblong had never been established seemed to the government to make it rather more than less appropriate to grant it out to individuals; it was just as characteristic that when Connecticut finally yielded her claim, in 1731, it was granted to another company of applicants. But the parts outside this border controversy, now comprising nearly all of Poundridge, formed a considerable holding and were on December 23, 1702, deeded to Caleb Heathcote by the partners, the consideration being unnamed but apparently enough to satisfy the well-developed appetite of the office-holders.[34] Caleb Heathcote and his associates from Rye had by these means come into the possession of all those parts of northern Westchester which lay outside the great manors and the town of Bedford, except a narrow strip between the Byram and the Mianus, which was granted in 1706 as the "Ann Bridges Patent" to a company of actual

settlers with the necessary complement of politicians.[35]

The sale of the East Patent shares to Caleb Heathcote may have been dictated by the prudence of the Leislerian partners; Lord Cornbury had come and had already restored to power the party with which the colonel was identified. That gentleman had resumed his seat upon the council. It might be better to placate him than to run the risk of an annulment of the patent and a second grant to him alone. Their own party had given object lessons of how such reverses could be brought about, as Heathcote might remember. His experience with two little grants may be briefly outlined.

The late Earl of Bellomont while still in England had determined that as far as he was able he would undo the damage done in the extravagant grants of land by Governor Fletcher. He had scarcely arrived before he wrote to William Popple, secretary to the board of trade, desiring power to vacate a number of those he deemed the worst.[36] These when he finally summed them up in a list selected, as it seemed to others, somewhat by caprice,[37] included the Evans and the Dellius grants of which we have spoken and, among others, two in the city to Colonel Heathcote. This, in the language of the paper finally laid before the House of Lords long after the acts had been passed, was "a 'lett' of ground, part of the King's Garden, containing in breadth about 27 feet and in length 50 feet; granted to him, his heirs and assigns for ever, under the yearly rent of one shilling. A

grant to the said Caleb Heathcote of another part of the said garden by lease for the term of 41 years from the 19th of August, 1697, at the yearly rent of four shillings, the contents whereof are uncertain, as it is described as being bounded by the fence of the said garden as far as the garden in the rear does extend and from thence into Hudson's river, as far as the low water mark." [38]

About this grant there were several aggravating circumstances. The King's Garden was part of the governor's demesne, actually used to supply food for his table; Fletcher had granted it after he had heard of the appointment of a successor pledged to change the style of government, so that malice toward Bellomont was his purpose more than generosity toward his own friend seemed an ineluctable conclusion. When the earl presented this among his charges, claiming somewhat querulously that he had no place to keep his cow, Colonel Fletcher, then in England, answered with respect to one of those grants: "As to the King's Garden, I remember that at the beginning of 1696 Colonel Caleb Heathcote petitioned for liberty to erect a wood-wharf (a thing of public convenience) on a waste piece of ground lying to the westward of the stockades of the King's Garden and so down to the low water mark, about 120 feet in front. A Committee of the Council was appointed to survey the ground, and on their report a lease was granted him for 41 years at four shillings rent and one shilling quit-rent. I never saw nor knew that this spot was reputed to be part of the King's Gar-

den or that it could be necessary to any governor." [39] Unfortunately for Fletcher's reputation, if by this time anything could injure it, it was shown that the words of the grant were, "part of our garden." [40]

Bellomont maintained in his letters to the board of trade that three-fourths of the province had been given away, mostly by Fletcher, to such men as Beeckman, Schuyler, Livingston, Van Cortlandt, and Colonel Smith. To the last named had been granted fifty miles of Long, or Nassau, Island, counting the entire breadth, and this for fifty dollars.[41] The whole proceeding, declared the noble governor, was an insufferable fraud. The grantees' solicitor in England, one John Montague, replied that something might be said against some of these large assignments, but protested that the inclusion of Heathcote's was ridiculous. "He affects to be thought witty," wrote the earl of his predecessor, "in reflecting upon Col. Heathcote's grant of part of the King's Garden, which, says he, is but 50 feet long, and yet is numbered among the extravagant grants: but by his favor, a grant may be extravagant as well by it's nature and quality as by its extent and quantity . . . and it was much more impudent and unjust in Col. Fletcher to sell away that piece of the Garden to Heathcot (which was robbing all succeeding Governors of their necessary conveniency in a garden) than the granting of Mr. Dellius near 1,400,000 acres in one grant." [42] There is a ring of truth in this, as in most of what he wrote, though his statistics often show the lack of data under which the government

suffered. Colonel Heathcote had apparently legitimate use for the water-front in connection with his wood business, but his admirers may regret that in this transaction, and much more in that touching the other little plot in the governor's garden, he was involved in an unpleasant matter. The few paragraphs devoted to it here have been calculated to illustrate a bit further the methods of land administration in that day, and to show that a good man, as men went, might countenance them. They are a commentary on the times rather more than on Caleb Heathcote—yet it is conceivable that something like this might happen in an American state to-day.

The earl procured from the board of trade instructions to proceed in some legal way to break these "exorbitant, irregular, and unconditional" grants, and he therefore persuaded the assembly to vacate some half dozen by an act. The selection, which included Heathcote's plots in the King's Garden, seemed on the whole without much reason, and the number was certainly inadequate to set the situation right. The act was not passed upon in England for several years, and after the political overturn that marked the advent of Lord Cornbury in 1702, the new legislature repealed it. The lords of trade now had the new act to consider, but they continued chary of decisive action, possibly because King William's great grants in Ireland were matters of sharp controversy in English politics and analogies were too obvious and embarrassing. It was not until 1708 that the patents were definitely vacated by the English

Government, and Caleb Heathcote lost his right to build a wood-wharf.[43]

The land speculations of our colonel were not confined to Westchester and Dutchess Counties. In the autumn of 1702, after he had been restored to the council, he was granted three hundred and fifty acres of upland and fifty acres of meadow, "more or less," on Staten Island,[44] and seven years later he applied for 7,200 acres of the old Evans patent on the west side of the Hudson, though the further record is not clear.[45] He likewise bought and sold some small properties in Connecticut.[46] At the same time he was trafficking in lots in the borough town of Westchester and in the city of New York.[47] Though not one of the greatest or most active traders, he did take his part, and at times a fairly prominent one, in these enterprises of his time.

At any rate, his career in land speculation affords some excellent illustrations of how that form of business affected the history of New York. Enough has been said of its importance as a factor in party politics; land privileges made one of the principal items in the patronage of office, but its consequences reached much farther in the development of the province. The climate and the soil were as good as almost any along the coastal plain; it was, indeed, to become the Empire State. Yet as a colony it did not thrive, and Pennsylvania, handicapped by a delay of sixty years in starting, was nearly two and one-half times as large in population by the beginning of the final French and Indian War. An important reason for

this disparity lay in the difference in land systems. The great patentees of New York, the exact like of whom could not be found elsewhere, desired to hold as great lords or to sell. If the former was the motive —and we shall see that Heathcote was governed by it in some of his transactions—it was necessary to have a tenantry, dependent and subordinate. But men would accept such inferior status only under the pressure of circumstances, and most immigrants quite naturally preferred to settle in the "new country," as Pennsylvania and the Jerseys were now called, where they could buy good freeholds among neighbors like themselves.[48]

More important in deterring settlers was the uncertainty in titles brought about by speculation. Men were buying tracts of land remote from settlements and of character unknown to the authorities as well as to themselves. Licenses to purchase from the Indians were so vaguely worded that several speculators might in good faith pay for the same land. The dusky parties of the first part, unschooled in the common law or in commercial ethics, saw no harm in taking scarlet coats or guns or rum from any one who was willing to give them in exchange for their interesting autographs at the bottom of a parchment. When Heathcote set out to get the Middle Patent, enclosed within the great bend of the Mianus River, he found his land had previously been purchased by three men from Rye, named Theale, Horton, and Purdy, and in the early part of 1701 received whatever claims they had by taking them as

extra partners and repurchasing. In moving for the great East Patent he had the same experience and followed the same course.

By June 11, 1701, when attempting to get certain lands between the Byram and the Mianus, he found that here too they had a deed and he again adjusted claims by a common purchase.[49] But he found that the same land had been sold to seven others, local speculators or prospective settlers, and, therefore, on July 4, he formed another partnership with Captain Mott, Robert Lockhard, and their colleagues and bought the land again.[50] It was only an evidence of the uncertainties of the business that this much-purchased land between the rivers should have been finally granted seven years later to actual settlers and some others as the Ann Bridges patent. Under such circumstances the man who would fell trees and build a house must expect wearisome contentions if not suits at law.

The speculators were themselves often in the courts, and though Caleb Heathcote assiduously sought to avoid all such litigation, he was involved in a suit with Doctor Staats, "the chirurgeon," over lands which became his manor. Samuel Staats, Dirck Vanderburgh, and Barne Cosens, three Dutchmen of considerable importance in the Leislerian party, sued for relief against him as having purchased from the Indians land for which they had a prior license. The suit, involving more than a hundred pounds, came up to the council for adjudication, but, since it was still pending on the date of Lord Cornbury's arrival

and the return to the council of Caleb Heathcote and his fellow-partisans, their cause proved hopeless.[51] Some litigation dragged on for decades, even centuries; the assigns of Major Symes, to cite one case in point, still furnish fees for lawyers with their claim to a great part of Staten Island granted by Queen Anne.[52] Heathcote & Co's patents continued for two generations to cloud the titles of the Bedford farmers, as both southern corners of their town were overlapped. These freeholders steadily refused to pay a share of quit-rents for patents on which it was claimed they occupied in these parts, and in 1766, after a survey by orders of the colonial assembly, made against the stoutest opposition of the farmers, a part was advertised and sold to pay this obligation.[53]

Controversies, it may be seen, multiplied in great profusion where the Indians sold the same land again and again to different parties, where the licenses to purchase as issued by the governor were inconsistent, or where Connecticut's claims along the border complicated a situation already much confused. Then, too, there might easily be trouble from the vague and mystifying language of the patents. Though according to the administrative system all grants had to be surveyed, in practice they were not. Augustine Graham, who held the office of surveyor-general from 1691 to 1719, almost to a year the period of Caleb Heathcote's residence in America, appears entirely to have neglected his commission, so that Colden, who succeeded to the office in 1720, found no mate-

rials on which to base a rent-roll of the crown's domain.[54] The bounds of a tract, then, were whatever an aggressive grantee might succeed in making them. Lines were described as running from a "burch saplin" to a "hepe of stones," or from one notched tree to another, or from a high hill to a bend in a vaguely indicated creek. In the general confusion as to the Indian tongues, their common nouns were used for proper names, so that a purchaser might find that his corner mark was simply "a spring" or "the end of a valley." When the amount of land was referred to, the words were hardly more explicit. Heathcote & Co's West Patent, for example, contained "by estimation five thousand acres of profitable land, besides wastes and woodlands"; but Surveyor-General Colden in his scathing comment on such descriptions observed that "when these Lands were Granted, perhaps there was not ten acres that was not wood Land, or one Acre that at the time of the Grant yielded any profit or one acre that by improvement might not be made profitable."[55] Sometimes the convenient words, "be it more or less," were introduced, so that "by virtue of these they not only claim a small quantity more than is expressed in the patent, but claim twice as much, and often ten times as much, and sometimes above one hundred times the quantity of Land that is expressed in the Grant." Colden knew of one claim of upward of sixty thousand acres based on a patent of three hundred.[56] Under such circumstances Caleb Heathcote's self-restraint was heroic; he even refused, as we shall see,

to push his claim for the White Plains against the citizens of Rye.

One other factor in the land policy of the New York government which would discourage the actual tiller of the soil was the practice of issuing grants to partners. On the 18th of February, 1702, four days after their West Patent was drawn up, Caleb Heathcote and his nine associates made an "Indenture Decempartite," agreeing to divide the purchase into ten distinct parts, so that each might have a separate holding. But this apparently was never done. There were undivided lands for sixty years; the original patentees departed this life leaving scores of heirs and assigns scattered over New York, New Jersey, Pennsylvania, Canada, and Europe. Occupants who had held their farms for over half a century could not clear their titles, and the separate collection of quit-rents for each of the ten "rights" became an intolerable nuisance. At last in 1763 three enterprising citizens of North Castle located all those who had a claim, and by diplomacy as well as energy succeeded in acquiring all the "rights" for the sum of five thousand three hundred and eighty pounds. They then compounded at a fair rate with all freeholders, thus bringing to an end some sixty years of inconvenience.[57]

The reader who has breasted through the thicket of these facts that we have come upon in following the course of one land speculator will realize the embarrassments that the actual settler might experience in the province of New York. Add to this the cir-

cumstance that such speculation beyond the Hudson aggravated troubles with the Indians, which made a puzzling problem at the best, increasing thus the perils of the frontier, and one may easily understand why well-informed and canny immigrants who came to make their living from the American soil preferred to land in Philadelphia and build their fortunes in the "new country," where their status was more certain.

NOTES

1. Frederick J. Turner, *The Frontier in American History* (New York, 1920), pp. 54–65.

2. H. B. Adams, "Washington's Interest in Western Lands," in *Johns Hopkins University Studies in Historical and Political Science*, vol. III (1885), pp. 55–77.

3. Johnson and Graham's Lessee *vs.* William McIntosh, 8 Wheaton, 543. See also *N. Y. Col. Docs.*, vol. III, pp. 219, 334, 374, 823; vol. IV, p. 290; vol. V, p. 140.

4. *N. Y. Col. Docs.*, vol. I, p. 99; vol. II, p. 557.

5. Cadwallader Colden, "The State of the Lands in the Province of New York in 1732," in *N. Y. Documentary History*, vol. I, pp. 375–390.

6. *N. Y. Col. Docs.*, vol. IV, p. 391 (note); vol. V, p. 283.

7. *Ibid.*, vol. IV, p. 391; map in *N. Y. Doc. Hist.*, vol. I, opposite p. 572.

8. To the board of trade, Oct. 21, 1698, *Cal. St. P. Col.*, 1697–8, no. 916; and again August 24, 1699, *N. Y. Col. Docs.*, vol. IV, p. 554.

9. *N. Y. Col. Docs.*, vol. IV, p. 411; see Charles W. Spencer, "The Land System of Colonial New York," in *Proceedings of the New York State Historical Association*, 1917, pp. 150–164.

10. *Calendar of New York Colonial MSS. indorsed Land Papers* (New York, 1864), pp. 47, 48, 926; *Cal. of Council Minutes*, p. 121.

11. *N. Y. Civil List,* 1886, p. 313; *N. Y. Col. Docs.,* vol. IV, pp. 25, 459.

12. *E. g., Cal. MS. Land Papers,* p. 926.

13. See G. S. Van Vliet, "Early Division of Dutchess County," in *Year Book of the Dutchess County Historical Society,* 1914–15, p. 21.

14. H. D. B. Bailey, *Local Tales and Historical Sketches* (Fishkill Landing, 1874), pp. 283 *et seq.;* Frank Hasbrouck, *History of Dutchess County* (Poughkeepsie, 1909), pp. 34, 38, 39. Bellomont estimated the grant at 20 by 5 miles; Lords of Trade to the King, Sept. 26, 1722, *N. Y. Col. Docs.,* vol. V, p. 651. Hyde Park, named after the governor, Edward Hyde, Lord Cornbury, is located on the Hudson shore of the tract; see Stephen Jenkins, *The Greatest Street in the World* (New York, 1911), p. 431. The original parchment deed partitioning the water lots is preserved in the library of the New York Historical Society. Heathcote seems to have sold his ninth part in this water-lot area before 1699.

15. E. F. De Lancey, "The Origin and History of the Manors," in J. T. Scharf, *History of Westchester County,* vol. I, p. 116; see also map, *ibid.,* p. 30.

16. Joseph Barrett, "New Castle," in Scharf, vol. II, p. 608.

17. *Cal. of Council Minutes,* p. 118.

18. This deed is printed in Joseph Barrett's "New Castle," *loc. cit.*

19. *Ibid.*

20. Cadwallader Colden, "Report on the Lands in the Province of New York," *N. Y. Documentary History,* vol. I, p. 381.

21. Printed by Joseph Barrett, "New Castle," p. 610.

22. See S. L. Mershon, *The Major and the Queen* (New York, 1915).

23. *N. Y. Col. Docs.,* vol. IV, pp. 399, 620, 849.

24. Joseph Barrett, *loc. cit.,* p. 610.

25. *N. Y. Col. Docs.,* vol. IV, p. 946; "Case of William Atwood," *N. Y. Historical Society Collections,* 1880, pp. 279, 297, 305, etc.

26. J. W. de Peyster, *De Peyster and Watts Genealogical References* (in N. Y. Public Library), p. 110.

27. Joseph Barrett, *loc. cit.*

28. *N. Y. Col. Docs.*, vol. IV, pp. 934, 1090, 1104, etc.; *Cal. MS. Land Papers*, index.

29. Joseph Barrett, *loc. cit.*, p. 611.

30. Joseph Barrett, "Bedford," in Scharf, vol. II, pp. 580–582.

31. Joseph Barrett, "New Castle," in Scharf, vol. II, p. 612. Governor Nanfan's share came by 1710 into the hands of Peter Fauconnier, who appears to have been so active in the management that the tract was long known as "Fauconnier and Company's West Patent."

32. The patent is printed by Joseph Barrett and W. H. Horton, "North Castle," in Scharf, vol. II, p. 630.

33. *Ibid.*

34. Westchester Record of Deeds, Liber C, p. 448. There was also a purchase from Katonah and other Indians, March 27, 1702, which gave "Cornall Caleb Hethcut of momaranuck and Captain Petter Mathews of new york Joseph Purdye of Ry and Richard Scoffeld of Stanford" claim northward five miles from the Cross River to Lake Titicus. The deed was never recorded, possibly because it so patently contravened the manor right of Van Cortlandt, which had been confirmed in 1697. It is now in the remarkable library of Westchesteriana belonging to Otto Hufeland, Esq., of Mount Vernon. The northern boundary is written as "petticus Small River," but the dimensions of the tract point clearly to Lake Titicus. The consideration, indicated on the back of the deed, was 6 guns, an anker of rum [about 10 gallons], 20 bars of lead, 12 drawing knives, 20 knives, 12 hoes, 12 swords, 12 axes, 12 pairs of stockings, 12 kettles, 6 iron kettles, some blankets, a barrel of cider, some cotton cloth, and some duffels.

35. Joseph Barrett and W. H. Horton, "North Castle," in Scharf, vol. II, pp. 629–633.

36. *N. Y. Col. Docs.*, vol. IV, pp. 326–328.

37. Cadwallader Colden in *N. Y. Doc. Hist.*, vol. I, p. 381.

38. *Manuscripts of the House of Lords*, vol. VIII [1706–1708] (London, 1921), p. 305.

39. Benjamin Fletcher to board of trade, Dec. 24, 1698, *Cal. St. P. Col.*, 1697–1698, p. 588.

40. Attorney-General's memorial, *N. Y. Col. Docs.*, vol. IV, p. 461.

41. *Cal. St. P. Col.*, 1697–1698, no. 646; *ibid.*, 1699, no. 343.

42. To board of trade, Jan. 2, 1701, *Cal. St. P. Col.*, 1701, no. 3. See also *ibid.*, for 1702, no. 100; *Cal. of Council Minutes*, pp. 113, 119; *Leg. Council Journal*, vol. I, p. 137.

43. See *N. Y. Col. Docs.*, vol. IV, pp. 506, 510, 526–527, 533, 622, 632, 698–699, 785, 813, 820; vol. V, p. 21. There is a good brief summary in C. W. Spencer's paper on "The Land System of Colonial New York," in *N. Y. State Historical Association Proceedings*, 1917, p. 153.

44. The petition was received by the governor and council on Nov. 6, 1702, and granted on the same day; *Cal. MS. Land Papers*, and *Cal. of Council Minutes*, p. 175.

45. This petition was likewise received and granted on the same day; *Cal. MS. Land Papers*, p. 92, and *Cal. of Council Minutes*, p. 233.

46. *N. Y. Genealogical and Biographical Record*, vol. LII (1921), p. 77.

47. Transcripts of Westchester Town Deeds, Liber 2, p. 212.

48. *N. Y. Col. Docs.*, vol. IV, p. 791.

49. Scharf, vol. II, pp. 612, 629–632.

50. Westchester Record of Deeds, Liber C, pp. 96, 98.

51. *Cal. of Council Minutes*, pp. 165, 167; *N. Y. MS. Land Papers*, p. 54; *N. Y. Hist. Soc. Coll.*, Wills, vol. I, p. 302.

52. See S. L. Mershon, *The Major and the Queen.*

53. Joseph Barrett, "Bedford," in Scharf, vol. II, p. 597. The parchment map of the commissioners, Charles Clinton, Jonathan Brown, and Elisha Budd, made by Nathaniel Merritt, surveyor, for the East Patent, is pre-

served as no. 564 in the office of the register of Westchester County.

54. C. Colden to the board of trade, Oct. 13, 1764, Colden Papers, *N. Y. Hist. Soc. Coll.*, 1876, p. 388; *N. Y. Civil List*, 1886, p. 175; C. W. Spencer, "Land System of Colonial New York," *N. Y. State Historical Association Proceedings*, 1917, p. 159.

55. *N. Y. Doc. Hist.*, vol. I, p. 382–385.

56. See Alice M. Keys, *Cadwallader Colden* (New York, 1906), part II.

57. Mr. Barrett, in his "New Castle," Scharf, vol. II, pp. 608, 628, has a full account based in part upon the Westchester Record of Deeds.

IV

In which Caleb Heathcote becomes lord of the manor of Scarsdale.

WHAT we know as modern civilization came out of the ancient East, out of the glory that was Greece and the grandeur that was Rome, out of the German cities, out of Paris, out of Manchester, following always the westward pathway of the sun. Meridians, no less than centuries, have marked its progress, in part because its growth was quickened by the conquest of new land along the constantly advancing frontier on the west. The story of this process, steady as a whole, yet with a countless number of particular exceptions, makes up the largest part of written history. The effect of Western opportunities, of free contact with the wealth of nature, upon the vanguard bringing Eastern habits of thought, is one of the most fascinating of its themes. Even those who came to colonial America, adventurous individualists as many of them were, of necessity brought much of the mental furniture of sixteenth, seventeenth, and eighteenth century Europe. Each company of immigrants were, for a time, Europeans on American soil confronted with the problem of how much of European manners and institutions were appropriate to new conditions.

An inventory of that mental furniture would show

prominently a set of ideas relating to the feudal system. It was the ideal and to a limited degree the practice of the Middle Ages that, while local government was really local, some one must be put in charge to supervise it in the interest of a larger good, a relation of responsibility running up through many grades and centring finally in a great ruler of Christendom, ecclesiastical or lay, to whom even kings were subject. Political society was held together by oaths and pledges; the military phase of the relationship, the overlord giving his protection and the vassal giving his obedience, was only one aspect of this hierarchy of responsibility. But with the duties must go honors and profits, else no fit incumbents could be found, and hence the titles and the privileges. It was this element of personal responsibility that reached down through the feudal system with its quotas upon quotas of military men, the manorial system with its mutual obligations of seigneur and land-workers, and the town governments with their guilds and wardens.[1] In the church there was something very similar.[2] Thus society was regulated from top to bottom largely through vows and contracts, and oftentimes by custom rather than by statute law. Property was distributed, places were fixed. Indeed, in civil administration responsibilities were hereditary. The scheme was framed for a static society, where opportunity was limited, regular, and predictable. It was in accord with human history that it should outlive its usefulness and very slowly give way to new conditions, but the tradition still

held tenaciously in Europe. Most of those who sat in comfortable English libraries and planned out provinces across the sea did not clearly realize the difference between the Old World, where nature's bounty was engrossed, and the New, where it was free. They saw no reason why social distinctions founded for the most part on differences in the ownership and care of property should not be transplanted to America.

Lord Baltimore had it stated in his charter that his family could grant honors as well as lands to their principal inhabitants and could "adorn them with whatever titles and dignities they shall appoint." [3] John Locke, in writing "Fundamental Constitutions" for the colony of Carolina, included seigniories and baronies, with their landgraves and caciques. Even the forefathers of Massachusetts Bay were willing to agree to the proposals of Lords Say and Brook, when those two noblemen talked of coming to that region, that there should be set up two ranks—gentlemen and freeholders—the governor always to be chosen from the higher.[4] It is true that political estates were not legally developed in America, except that eligibility to the suffrage and to certain offices was based on property, but even Americans themselves for a time saw nothing unnatural or absurd in the idea. In New Netherland the Dutch West India Company had tried to effect the population of its lands by personal responsibility in the patroon system, whereby a member of the company might by bringing over fifty adult persons become

the lord of a "colonie" with sixteen miles of shoreline on the Sound, the ocean, or the great rivers, with the title running vaguely as far back into the country "as the situation of the occupiers will permit." The patroons were given special trading and manorial privileges, and the prospect seemed attractive to an enterprising capitalist, except that colonists could not be found, the conditions at home being too tolerable to provide sufficient emigrants. Only the Van Rensselaers succeeded in the undertaking, possibly because they transferred to America tenants of their own in the old country who had a sentiment of loyalty.[5]

When the English took possession of the land between New England and the Delaware there was, then, abundant precedent for manorial grants. Sir George Carr, one of the commission sent to take New Netherland and reform the eastern colonies, acting on his personal desire more than any legal warrant, created the Manor of Grimstead on the Delaware for two captains who had helped him in acquiring that region from the Dutch; but the grant soon lapsed for want of any interest on the part of the grantees.[6] First and last, under the proprietor and the king, there were sixteen manor grants in New York, of which six were in Westchester County.[7] Of some nothing but the name is known, mysteriously written on the maps or referred to in the public documents, but of others the surviving muniments and records are full and satisfactory. In all such cases the privileges were granted to those who were already owners

of the land concerned, through purchase from the Indians and patent from the governor or the sovereign, and were governmental in their nature; the various kinds of leaseholds and the monopoly of hunting, hawking, fowling, fishing, etc., reserved to the landlord, could be found on other patents as well as on the manors.[8]

For a long time, indeed since the statute of *Quia emptores* passed the seals in 1290, the creation of new manors in the realm itself had been illegal, but it was generally understood that statutes did not apply to the dominions overseas unless they were specially mentioned. At any rate, new manors were created in New York as they had been in Maryland, and as they might have been by charter in Pennsylvania.[9] Whatever von Maurer may have believed of early mediæval Germany or Seebohm of Anglo-Saxon England, there was not even a fiction of control of American manors by their laboring inhabitants. These manors, like many of those under the Norman and Angevin kings, were created out of wilderness and assigned to individuals with responsibility of management. The dominical and not the communal element was emphasized.[10] It was natural to attempt the transplantation of the European scheme of local government for the countryside; it was traditional to endow certain able, well-affected subjects with personal and hereditary responsibility for such government. It was thought that loyalty to the imperial cause could best be insured by concomitant honors; it was feared, indeed, that well-born men, with that

composition of capacity and manner which was held so dear, could not be induced to found families in America without some prospect of hereditary privilege.[11]

It is not surprising in that place and time to find a man like Caleb Heathcote developing an ambition to be a manor lord. It was the ideal of many prosperous merchants which was just then being realized by his brother Samuel, recently returned to England.[12] The idea was certainly in the air of New York in Governor Fletcher's day. Colonel William Smith, chief justice of the province, had in 1693 been granted the Manor of St. George, a strip of fens along the Great South Bay, with upland rising to the backbone of Nassau Island, as the governor insisted upon calling this old Lang Eylandt of the Dutch, and running broadly to the north shore. But manors for some reason seemed especially appropriate to Westchester County, where two, Fordham and Pelham, had been created before the "glorious revolution" of 1689. Frederick Philipse had more recently, in 1693, received this privilege in Philipsburgh, largely between the Hudson and the Bronx; Stephanus Van Cortlandt, another thriving merchant, was completing his Indian purchases to qualify for his great Manor of Cortlandt, with nearly two hundred square miles in the valley of the Croton. In 1697, the same year that the latter was set up, Colonel Lewis Morris, whose interests had before this time been centred in New Jersey, was gratified to have his estate by the mouth of the Harlem made the Manor of Morrisa-

nia.[13] Colonel Heathcote set out in 1696 to bring together the ungranted portions of the county, making purchases northward from Mamaroneck shore, west of Harrison's purchase, and running into all the corners left around Bedford and the holdings of Philipse and Van Cortlandt. Could he have worked out this design, his property would have ranked in size with those two great manors, but, as we have seen, he was obliged to share with others in the north and he refused to press his title to the White Plains against the claims of Rye. His manor, therefore, was confined to his southern purchases between the Mamaroneck and the Bronx. The probability is very strong that it was his acquiescence in admitting the politicians to his northern enterprises that made possible his manor grant.

This manor land had mostly been the property of one John Richbell, who, thirty-five years before, on behalf of himself and two partners in Barbadoes, had got a "ground-brief" from Peter Stuyvesant to buy land from the Indians and, after showing evidence of this purchase, a "transport" giving him full title. "The life of our business will consist in the nimble, quiet and full correspondence with us," wrote the two Barbadians,[14] and there is little doubt the business was chiefly that of smuggling sea-borne merchandise into New England in defiance of the English navigation laws. Here in the pathway of our story is found a sample bit of evidence of why the Stuart king thought needful the elimination of New Netherland. Richbell had but three years to

enjoy all his advantages in this respect, but informal importation did not cease with the change of sovereignty in 1664, and he may have continued to carry on his nimble business among the necks and coves of his deep-cut coastline. Whatever the profits were, they kept up for twenty-three years until in 1684 the prior claim of Death was filed and his property passed on to his widow, the Madam Ann. Except for a few lots bestowed for the affection that she bore her son-in-law, she retained her property intact, almost as if by some prevision she saved it for the ambition of Caleb Heathcote. Certainly, she could have found no more agreeable customer than the judge and colonel of the shire, to whom she sold in 1698, and gladly, no doubt, for the consideration of six hundred pounds was a handsome price for real estate when land not bad in quality nor inconveniently placed could be had for a small bribe to the governor and his henchmen.[15] That her high regard survived this business dealing was shown about two years later, when the aged lady, having figured for sixteen years as "Richbell's relict," died, leaving the conduct of her funeral in the hands of Colonel Heathcote.[16]

The Richbell purchase in itself was not inconsiderable, however small it may have seemed compared with what the colonel had at first designed. Starting with the peninsula later known as East Neck, it ran back eighteen miles, with an average breadth of over two—in the Holy Roman Empire there were numbered smaller principalities—but the title to the White Plains, called so from the dazzling fields of

balsam flowers, was contested by a coterie of "Ryemen." Madam Richbell had argued with these claimants as to her eastern boundary, and had to a certain extent won her case, but the colonel, perhaps a little less litigious and more determined to live in peace with his neighbors, did not care to make an issue of these holdings lying west of the Mamaroneck River in its northern reaches. The "Ryemen" might have found some difficulty in proving title, for their purchase from the Indians was twenty-two years after Richbell's and their patent was from Connecticut, but they had some right by settlement and, moreover, they were resolved to fight for their claims to the uttermost point. They were disgusted with the intercolonial diplomacy which was just then parting them from the eastern commonwealth and fastening them to New York; and they were further irritated at losing their land case against John Harrison. The Rye settlers who had moved to the interior appointed committees to confer with the new purchaser as to boundaries—committees "chosen to treat with the Honrble Conl. Caleb Hathcut about the White Plains purchase, and to make returns to the Proprietors of their tract upon what termes the Hon. Coll. Hathcutt will agree with them to acquit all his claime of the above said White Plains purchase."[17] They found him quite amenable, though he did not waive his formal claim. When the letters-patent of his manor were drawn up he made no attempt to have his title strengthened, and so won the esteem of the "Ryemen" east and north.[18]

The Siwanoy Indians were described at that time as a decaying body;[19] but there was nothing charming in the prospect of a quarrel even with such valetudinarians, and the colonel improved his status by paying them another purchase price, without regard to Richbell's payment many years before. He also bought directly from their sachems, Pathuncke, Wapetuck, Cohawney, and Beopo, followed by a proper confirmation from the provincial government, the Fox Meadows still, in part, so called, lying between Hutchinson's Creek and the Bronx, and subsequently another tract, running south to "Henery ffowler, yeoman's purchase" at the northern boundary of Eastchester. He made a settlement with other claimants in Mamaroneck. But if he agreed with his adversaries quickly it was not from a craven spirit, as any reader of his letters will immediately divine, and his patience had a limit; Doctor Staats, Dirck Vanderburgh, and Barne Cosens, as we have seen, he preferred to see discomfited by an adverse finding of the court.[20]

After the unusual precaution of a council writ to the high sheriff of Westchester to ascertain what if any damage would be done by such a patent, the solicitor-general drew up letters on March 12, which were duly signed and executed by Lieutenant-Governor John Nanfan on March 21, 1701/2, on the threshold of the eighteenth century, creating the Lordship and Manor of Scarsdale, the last of such grants in America.[21] It was issued in the name of King William the Third and was described as "holden

of us, our heires & successors, in free & common soccage according to the tenure of our Mannour of East Greenwich in the county of Kent, within our Kingdome of England," yielding to the crown the annual payment of five pounds of New York money on Christmas day in lieu of all services, dues, duties, or demands whatsoever.

It is incorrect to say that such a holding was not feudal in its character, for socage, or fixed rent payment, was as truly a part of the old system as was any other form. Also it may be remarked, many learned commentators notwithstanding, that the tenure might have been military despite the famous statute of 12 Charles II, chapter 24, which abolished all such holdings in the realm; that statute, since it failed to name the colonies as affected, was as inoperative in New York or Maryland as the ancient statute of *Quia emptores*.[22] However, these are barren controversies, for in practice the manor lands of New York were as free as any lands, could be devised by will or sold or given away by any chief tenant—perhaps owner were a better word—who had reached the age of fifteen. For the reference to the Manor of East Greenwich had significance: in recognition of its welcome, which contrasted with the resistance, desperate or sullen, which he met in other counties, William the Conqueror had given special privileges to the landholders of Kent, and in extending these to America the sovereigns gave the colonies the most modern type of English property law.[23]

But the relation of the New York manor lord to

governments above him, though a tangled and contentious subject, is not so interesting, perhaps, as his rights within his domain. That which marked him off from other large proprietors and landlords was the right to hold court on his property, Court Baron and Court Leet,[24] with himself, or his steward, sitting in judgment and appropriating fines. Court Baron in historic usage concerned itself with manorial relations, such as involved metes and bounds, trespasses, alienations, and the like. At such a civil court in mediæval England the larger number of attendants would have been unfree, villeins or serfs, but lest the sensitive ear of the American may be offended at such terms he may be assured that there were none such in Scarsdale nor in all the thirteen colonies. The test of a free man's status, the lawyers are at pains to tell us,[25] was that his obligations, if he had them, should be fixed, specified, and understood, and that he should never under any circumstances be at a master's beck and call. If on retiring at night he could foretell the morrow's labor, none could call him villein. As far as any record known to the present writer can show, all tenants were thus free on the manors of America, though many held their lands for specified service payment as well as rents in kind.[26]

The jurisdiction of the Court Leet included crimes and misdemeanors in the vicinage, whether committed by inhabitants or others, and a jury judged the facts. Here were to be tried the enemies of society, great and small, the thieves, the cheats, the breakers

of the peace, numbering among them, in the quaint phrase of a statute of 18 Edward II: "Such as have double measure and buy by the great and sell by the less . . . such as continually haunt taverns and no man knoweth whereon they do live . . . such as sleep by day and watch by night, and fare well and have nothing." [27] Actually in New York, as in Maryland, where the records of St. Clement's and St. Gabriel's Manors are sufficiently preserved to indicate the practice,[28] the two courts were sometimes merged. This discussion, if prolonged, might try the reader's patience, for, unlike the case in Philipsburgh, Rensselaerswyck, and Livingston, in Scarsdale, despite the patent rights, neither court was ever held by either lord or steward, all disputes and breaches of the law coming before the popular tribunals of the justice of the peace, the county court of sessions, and the court of common pleas.[29] Yet this distinction, after all, made little practical difference to the manor folk, for the lord of Scarsdale presided as a justice over all these courts, as well as others. Indeed, whatever the court might call itself, it was Colonel Caleb Heathcote who dispensed justice in those parts, and the lad who stole a goose would doubtless think this more important than any erudite debate upon the subject of judicial origins.

There were other special privileges of the manor lord. The right of deodand assigned to him all property by which death had come to any person on the manor.[30] If a man were killed, the lethal instrument, sword or gun, would thus become the lord's, or a

horse that dashed its rider to death, or a boat that capsized on a lake or river with like fatal consequences. The goods of felons were similarly forfeited to him, and all "waifes" and "estrayes," or moving property, like boats and animals, of unknown ownership, and the monopoly of mines, of game, and of ferry franchises, etc., went with the patent, as its very explicit language set forth at length:

> Ye messuages, tenements, buildings, barnes, houses, outhouses, fences, orchards, gardens, pastures, meadows, marshes, swamps, pools, ponds, waters, water courses, woods, under-woods, trees, timbers, quarries, runs, rivers, rivoletts, brooks, lakes, streames, creeks, harbores, beaches, bayes, islands, ferries, fishing, fowling, hunting, hawking, mines, mineralls, (royall mines excepted) & all the rights, members, libertys, privileges, jurisdiccons, royaltys, hereditaments, profitts, benefitts, advantages, & appurtenances, whatsoever.

If within the confines of the manor there existed any sort or condition of material thing over which the lord was not expressly given control, "it was because the lenses of the surveyor's theodolite were not powerful enough to discern it, the vocabulary of the dictionary ample enough to express it, or the imagination of the attorney sweeping enough to conceive of it." [31] The rocks of the field which in their picturesque profusion made appropriate for that part of Westchester Heathcote's old home name of Scarsdale, the dale of great stones, were not mentioned, but agriculturalists have seldom numbered such among their assets. In actual fact the underbrush

and timber, the rivulets and meadows, made up the scene without much help from messuages and fences, and the monopoly right to hunt the deer and beaver and more troublesome "vermin" of the forest, if it could have been enforced, would have been more valuable than the right to hold a court; for only a handful of white settlers could be found within the lordship, their home-plots running back from East Neck and the mouth of the Mamaroneck, "the Place where the Fresh water falls into the Salt." [32]

With the coming of the manor lord a new house was set up on the rising ground which overlooks the harbor, "Heathcote Hill," a spacious edifice of brick, much more commodious than the shingled house in Westchester or his chambers in the city, where now and then the council met with him in special session.[33] It was built, according to the meagre word that has been handed down within the family, in the "prevailing English style," which presumably meant with straight gabled roof, instead of the gambrel so widely used among the Dutch, and without the high stoop of the mynheers. Since it was of masonry, it very likely had a chimney at each end rather than one running trunk-like through the middle; doubtless in interior arrangement it, like other houses of the period, showed the Gothic tradition generally persisting, from the massive champfered beams to the crossed and curve-top panels; doubtless, too, it threw out a warm but somewhat smoky welcome to the occasional guest who had left the snows of the King's Highway to talk provincial politics within the oak

or beechwood settles flanking the fiery cavern behind the spreading hearth. Ranged around the house were the customary offices and outbuildings and, at a convenient distance, the quarters of the slaves. Not long after it was finished, that keen observer, Madam Sarah Knight, journeying from New York back to Boston, remarked the mansion, "a very fine seat, wch they told me was Col. Heathcoats, who I heard was a very fine gentlemen."[34] Looking from his front door across the little bay, almost landlocked by the long arms of the two peninsulas, and over the bright waters of the Sound to Long Island hovering vaguely like a low cloud on the southern horizon, the colonel might very reasonably have felt some debt to the fortune that had marked his path to Heathcote Hill. It was, indeed, a proper home to welcome the colonel's lady.

Why Caleb Heathcote, after coming to America, stayed so long a bachelor is a subject which must remain within the field of conjectural history—the sources on such points are often not available—but certain it is that nearly eight years went by before he entered into the full status of a citizen of America, as it were, by marrying upon its soil. It is safe to say at the beginning that the delay was of his own choice; a young man of twenty-six years, comely and well-mannered, dressed in the London mode and unmistakably a gentleman,[35] notoriously rich and immediately standing out among the colony's foremost men as a member of the council, such a figure promenading down the length of Pearl Street of an after-

noon in 1692 must have fluttered the heart of many a merchant's daughter. His manifest indifference to such gentle snares as were thrown out in his path must have made the game against him more attractive as it grew more baffling to the players. But the circumstances of his coming made his attitude sincere and honest, for there may be little doubt that his faith in woman's constancy had suffered somewhat at the pretty hand of Mary Dawsonne.

Then, too, Caleb Heathcote was a young man of severe requirements, aristocratic in his standards and certainly determined to ally himself with no family interest outside the little ruling group. The daughter of a manor lord would be especially appropriate to his taste and station. That he coldly calculated on a marriage of convenience is not to be supposed, but he was doubtless ready to thank circumstances for whatever they could do in meeting specifications—as they did in Miss Martha Smith. Although her surname may not of itself stir the imagination of the modern reader, it was impressed in that day and place with a certain distinction, for her father, the chief justice, was outranked by no one in the province save the governor himself.

Colonel William Smith, ten years older than his fellow-councillor Caleb Heathcote, had so pleased King Charles II, whom he served at court as page, that when scarcely twenty years old he had been commissioned a colonel and sent in 1675 to govern the "Royal Citty of Tangier in Africa," newly acquired in the dowry of the Princess Catharine of

Portugal. This boy governor of a Moorish capital—a picture for a brave romance—was not without the society of his countrymen and, shortly after his arrival, was married in the English church to the daughter of a Surrey merchant. His third child, named Martha after her mother, was born in 1681, two years before the family left the city, leading a retreat to England when the ministry decided that a trading-post in northern Africa was not worth the cost. But for such adventurers life in London, as they saw it for three years, must have seemed too tame and too predictable, and Colonel Smith, though a man of fortune, abandoned England again in 1686, this time for the province of New York, where he set up as a merchant. After settling on Long Island, he was made a judge, and in 1692, although not a lawyer, the chief justice of the supreme court. The following year he became the colonel of militia for Suffolk County and lord of the Manor of St. George, seventy miles from New York City. Here he spent his time, for the most part, taking his judicial honors rather lightly. He was accused, indeed, of being suspiciously slack in the suppression of pirates along his forty miles of Long Island shore. He was an aristocrat, or certainly what passed as such in America, with his elaborate wardrobe resplendent with silver buttons and embroidered belts, his plate worth £250, his library and pictures, and, what particularly marked his station, his "coach and tackle." [36]

The influence of Colonel Smith in Whitehall was too strong to make it safe for Governor Bellomont

to force his removal from the council, but his defiant attitude drew down upon his head the bitterest opposition of the Leislerian party, just as upon Colonel Heathcote and others who had been expelled. This common experience doubtless brought these gentlemen into still closer relations and made natural the introduction of the bachelor mayor of Westchester to the manor house of St. George at Setauket. Years had done much to ease the hurt made by the fickle belle of Hackney, he admitted,[37] and the society of "Patty" Smith,[38] now nearly nineteen, soon healed the wound quite thoroughly. They were married September 7, 1699, by the Reverend William Vesey at the Manor of St. George,[39] and the young lady whose baby eyes had first looked out upon the strange bazaars and mosques of far-away Morocco became for some six and thirty years the mistress of Heathcote Hill, the manor house of Scarsdale. And by reason of the mutual goodwill between her husband and her relatives at Setauket, the family tree of the "Tangier" Smiths shows few Christian names more frequently than Caleb in all branches of the stock.[40]

The lord of Scarsdale built a grist mill on the Mamaroneck near the crossing of the old Westchester Path, now the Boston Post Road, and a saw mill farther up the river.[41] The monopoly of milling had been the manor lord's prerogative time out of mind in English custom and elsewhere, as illustrated by the "Privileges and Exemptions" of the patroons,[42] but it was doubtless his own personal enterprise that led the colonel to build up the necessary local indus-

try here as he had in the borough town of Westchester. To have bought or built and operated a half-dozen mills was simply a part of his obligation as a leading man in the New York countryside in that generation.

In the settlement of that province, for divers reasons, the patriarchal rôle loomed larger than in the communities to the eastward. Slavery, for example, flourished longer and more spaciously along the Hudson and the Sound than in any other region of the north. And at this time negroes made up a considerably larger share of the population of New York than they did of Virginia.[43] Colonel Heathcote could not boast a score of swarthy bondmen, as could a later lord of Philipsburgh,[44] though he did have half as many, besides indentured servants.[45] But the authority of his word went beyond his household as it did beyond his offices, and doubtless reached with more or less effect throughout the little community of a hundred or hundred and fifty people who resided on his manor by the time of his death.[46] Time and again he was asked to act as arbitrator in disputes between the neighbors, thus preventing the case from coming before himself as judge.[47]

Most of the inhabitants held their land on long leases—for twenty-one years, a "life," "two lives," etc.—thus being "farmers" in the English sense, and he actually sold but thirteen considerable tracts outright, to men of such station as Francis Nelson, carpenter, Moses Tyler, blacksmith, and Peter Win, Edmund Tompkins, Jonathan Mills, and others,

yeomen, the size varying from fifty acres to five times that number, almost invariably priced at a New York pound an acre.[48] The present writer knows no record of the sale or bequest of leases by means of a payment of a third or a quarter of the value to the lord, as was the case in many manors and other large holdings in New York,[49] but it is strange if they did not exist.

One of the most lenient landlords and unexacting vendors, Caleb Heathcote yet unconsciously contributed to hold back the development of his province. "What man," asked Bellomont, quoting the comment of a friend, "will be such a fool as to become a base tenant to Mr. Dellius, Collonel Schuyler, Mr. Livingston (and so he ran through the role of our mighty landgraves) when for crossing Hudson's river that man can for a song purchase a good freehold in the Jersies."[50] "And every year," echoed the surveyor-general a generation later,[51] "the Young people go from this Province, and Purchase Land in the Neighboring Colonies, while much better and every way more convenient lie useless to the King and Country. The reason of this is that the Grantees are not, nor never were in a Capacity to improve such large tracts and other people will not become their Vassals or Tenants, for one great reason as peoples (the better sort especially) leaving their native Country, was to avoid the dependence on landlords, and to enjoy lands in fee to descend to their posterity that their children may reap the benefit of their labour and Industry." There were other important

factors deterring settlement in New York—Indian relations, the complaints of Hunter's Palatines, and their effect upon German immigrants, etc.—but even upon these factors, as we have seen, the land policy had important bearing.

NOTES

1. A. Giry and A. Réville, *Emancipation of Medieval Towns* (New York, 1907), shows how merchant guilds through their officers sometimes assumed responsibility for the feudal dues and taxes of the town. E. R. A. Seligman, in *Two Chapters on Mediæval Gilds* (New York, 1887), makes a good argument for the position that the craft guilds were developed chiefly to regulate industry, the officers being responsible to society for higher standards of production.

2. There was certainly a hierarchy of responsibility, though the factor of mutual obligations is not so apparent.

3. Paragraph XX in Appendix to N. D. Mereness, *Maryland as a Proprietary Province* (New York, 1901).

4. J. T. Adams, *The Founding of New England*, pp. 196–197.

5. Kilaen Van Rensselaer, *The Van Rensselaer Manor* (n. p., n. d.)

6. *N. Y. Col. Docs.*, vol. III, pp. 72–73.

7. They are conveniently listed in E. H. Hall's *Philipse Manor Hall* (New York, 1912), pp. 82–84. See also *The Livingstons of Livingston Manor* (1910), *passim*.

8. E. F. De Lancey, "The Origin and History of the Manors" (in J. T. Scharf, *History of Westchester County*, vol. I, pp. 31–160 f.), pp. 90, 92.

9. Charter to Baltimore, paragraph XVIII, printed in N. D. Mereness, *Maryland as a Proprietary Province*, appendix, p. 518; Charter to Penn, paragraph XIX, printed in Samuel Hazard, *Annals of Pennsylvania* (Philadelphia, 1850), pp. 497–498. But "in the full and strict sense of the

term there were no manors in Pennsylvania, whatever the proprietary tenths and other large surveys may have been denominated"; W. R. Shepherd, *History of Proprietary Government in Pennsylvania* (New York, 1896), p. 47. Despite the use of the name there were no true manors in Virginia; see *Virginia Magazine of History and Biography*, April, 1924, pp. 188–190. John Johnson, *Old Maryland Manors* (Johns Hopkins University, 1883), gives the records of St. Clement's and St. Gabriel's manors with elaborate comment; C. P. Gould, *The Land System in Maryland* (Johns Hopkins University, 1913), chapter IV, discusses the manors in the days of their decline, saying: "The manors of later times in Maryland, therefore, differed in no way from other large holdings," p. 89. Manors were provided for in the "Fundamental Constitutions" of Carolina.

10. See C. M. Andrews, *The Old English Manor* (Baltimore, 1892), pp. 63–66; Frederic Seebohm, *The English Village Community* (London, 4th edition, 1896), introduction.

11. This appears in the language of paragraph XIV of Baltimore's charter: "Moreover, lest in so remote and far distant a region, every access to honors and dignities may seem precluded, and utterly barred, to men well born, who are preparing to engage in the present expedition, and desirous of deserving well, both in peace and war, of us and our kingdoms. . . ." This preamble applies to the granting of "dignities," titles, etc., but is manifestly as applicable to paragraph XIX, which deals with the manors. The manors doubtless also were intended to form a ready-made government of the first instance in outlying and rather inaccessible districts; see historical introduction to the Grolier edition of William Bradford's printed collection of *New York Laws of 1694*, pp. xxx, cvii, note 4.

12. See E. D. Heathcote, *Families of Heathcote.*

13. E. F. De Lancey, "Origin and History of the Manors," *loc. cit.*, pp. 143–147, and E. H. Hall, *Philipse Manor Hall*, give the data on the Westchester manors.

14. De Lancey, p. 144.

15. See *supra*, Chapter III, and Westchester Records of Deeds, Liber B, p. 371.

16. D. T. Valentine, *Manual of the Common Council of the City of New York for 1864*, p. 666. Richbell had died at the age of sixty-nine.

17. Records of Rye Town Meetings, p. 9, quoted in C. W. Baird, *History of Rye*, pp. 154–157.

18. *Ibid.*, p. 304.

19. Reverend George Muirson to Society for the Propagation of the Gospel, Jan. 9, 1708, *Ecclesiastical Records of the State of New York* (Albany, 1901–1906), vol. III, p. 1695.

20. *Cal. MS. Land Papers*, p. 57; *Cal. of Ex. Council Minutes*, pp. 119, 164, 165. No attempt is made in the present narrative to particularize in dealing with the manor purchase, as the curious reader will be abundantly satisfied in E. L. De Lancey's "Origin and Growth of the Manors."

21. The manor grant is reprinted as Appendix I, *infra*.

22. The legal standing of the manors of New York is discussed at considerable length in several treatises. Anson Bingham and Andrew J. Colvin published at Albany in 1857 a *Treatise on Rents, Real and Personal Covenants and Conditions*. They had been of counsel in the cases growing out of the anti-rent riots on the Van Rensselaer estates, and seem in their book anxious to belittle the manorial grants of the seventeenth century. It is quite obvious that their knowledge of New York manors comes largely from the examination of the records of Rensselaerswyck. Robert L. Fowler's *History of the Law of Real Property in New York* (New York, 1895), Chapter II, is less a piece of special pleading, but is written from the study of law cases rather than general history. The statute of *quia emptores* was certainly not applicable to some American colonies, *e. g.*, Pennsylvania; see W. R. Shepherd, *History of Proprietary Government in Pennsylvania*, pp. 14–15. Since the Duke of York, as a subject, granted the manor of Fordham without challenge, it may be presumed that it was understood that the ancient statute against subinfeudation was not supposed to apply to New York. On the applicability of

British statutes to the dominions, see H. L. Osgood, *American Colonies in the Seventeenth Century*, vol. III, chapter I, and the discussions in C. H. McIlwain, *The American Revolution* (New York, 1923). It must be remembered that the elaborate system of the "Fundamental Constitutions" of Carolina was drawn up under a charter issued subsequent to 12 Charles II, Chapter 24. Surely this contained much that was feudal. *Cf.* J. G. Wilson, "A Maryland Manor" in *Md. Hist. Fund Publications*, no. 30 (Baltimore, 1889), p. 7, and W. H. Browne, *Maryland* (rev. edition, Boston, 1904), pp. 176–178.

23. The discussion in E. F. De Lancey's "Origin and History of the Manors" is thorough and interesting, though his conclusions differ from those here set forth; see pp. 78–85. Joel Parker, in the *Mass. Hist. Soc. Proceedings*, vol. XIII, p. 114, and G. F. Hoar, in his paper on the "Obligations of New England to the County of Kent," in the *American Antiquarian Society Proceedings*, April, 1885, state the theory of the special privilege of Kent as explaining its choice. E. P. Cheyney, in an article on "The Manor of East Greenwich," in the *American Historical Review*, October, 1905, states that East Greenwich was the favorite residence of the Tudor monarchs, and that therefore lawyers attached to the court became accustomed to make out new grants to be held according to the precedent of that manor.

24. F. Pollock and F. M. Maitland, *History of English Law Before the Time of Edward I* (Cambridge, 1895), vol. I, p. 590. *Cf.* C. M. Andrews, *The Old English Manor*, pp. 78, 138; Sir Paul Vinogradoff, *The Growth of the Manor* (London, 1911), p. 363.

25. Pollock and Maitland, vol. I, p. 353.

26. *Cf.* E. H. Hall, *Philipse Manor Hall.*

27. *Statutes at Large* (Pickering's Edition, Cambridge, 1762), vol. I, p. 389.

28. Printed as appendix to John Johnson's *Old Maryland Manors.*

29. Manor courts apparently were not held in a number of other manors, including even the populous Rens-

selaerswyck (see A. J. F. Van Laer in his introduction to the *Van Rensselaer-Bowier Manuscripts*, Albany, 1908, pp. 30–31), the inhabitants relying on the courts of general jurisdiction. On the other hand, the lord of Philipseburgh regularly held court, even dispensing capital punishment, it is said (E. H. Hall, *Philipse Manor Hall*, p. 114), and the inhabitants of Philipseburgh and Cortlandt were excused from general jury duty down to the Revolution (E. F. De Lancey, "Origin and History of the Manors," p. 91). There is mention of a manor court in Pelham in a deed quoted by Robert Bolton in his *History of the Protestant Episcopal Church in Westchester County*, p. 402. Thomas Chambers's manor of Fox Hall was to have a court leet; see *Olde Ulster*, vol. II, p. 104.

30. An interesting discussion of deodand is to be found in O. W. Holmes, *The Common Law* (Boston, 1881), pp. 24–30. He states that this liability of inanimate things figured in cases as late as the nineteenth century; "it is said that a steam-engine has been forfeited in this way." The thing or animal which brought the death had to be in motion to be considered deodand. See Arthur Train, *On the Trail of the Bad Men* (New York, 1925), pp. 134–136, where he quotes the "Termes de la Ley":

> "Whatever moved to kill the dead
> Is deo-dand, and forfeit-ed."

31. Howard Duffield, *The Tangier Smith Manor of St. George* (Baltimore, 1921), p. 17.

32. E. F. De Lancey, *op. cit.*, p. 147.

33. *Cal. N. Y. Hist. MSS.*, p. 251; *Journal of Legislative Council*, vol. I, p. 93. De Lancey says Heathcote maintained a town house, p. 52.

34. *The Journals of Madam Knight and Rev. Mr. Buckingham* (New York, 1825), p. 59. "Heathcote Hill" burned down about the beginning of the American Revolution and was rebuilt on the same site in 1790, E. D. Heathcote, *Families of Heathcote*, p. 26. There is a picture of the second house in Robert Bolton, *History of Westchester County*, vol. I, p. 304.

35. D. T. Valentine, in his *Manual for 1864*, p. 665, writes that Heathcote was described as a "gentleman of finished address."

36. The fullest account of William Smith is found in Howard Duffield's *The Tangier Smith Manor of St. George*. He says that Smith twice submitted his proposals for a manor grant to a local town meeting before he had them formally drawn up. Doctor Duffield draws heavily, apparently, upon B. F. Thompson's *History of Long Island* (New York, 1843), vol. II, p. 442, *et seq.* See also *N. Y. Historical Society Collections*, Wills, vol. I, pp. 322–323, 411–413; vol. II, p. 124. R. H. Gabriel, in his *Evolution of Long Island* (New Haven, 1921), p. 122, speaks of pirates' nests near St. George. "Colonel Smith own'd to me that that beach was very profitable to him for whale fishing, and that one year he cleared £500 by whales taken there. I confess I cannot have a good opinion of Colonel Smith; he knows what pressing orders I have from England to suppresse piracy, and if he were honest and did his duty, there would not a Pirate dare to shew his head in the East end of Nassau Island, he is so seated towards that end of the Island that he could disturb and seize them as he pleas'd, and yet that end of the island is at present their rendezvous and sanctuary. Colonel Smith is under a double obligation to suppresse piracy being both Chief Justice of the Province and Judge of the Admiralty Court"; Bellomont in *N. Y. Col. Docs.*, vol. IV, p. 535.

37. See letter to Samuel Heathcote quoted in E. D. Heathcote, *Families of Heathcote*, pp. 75–76.

38. The "Patty" of B. F. Thompson's list is obviously the family nickname for Martha.

39. See facsimile of the marriage record in C. B. Wheeler's *The Heathcote Manor*, p. 8

40. See genealogical table in Thompson's account.

41. E. F. De Lancey, *op. cit.*, p. 152. He may have built a mill in Eastchester; the Eastchester Town Records (printed in the Mt. Vernon *Chronicle*, beginning Nov. 15, 1887, and compared by Otto Hufeland), for February 12, 1712, speak of certain records received from Judge Drake,

among them "ye mill Covenant between ye town and Coll. Calib Heath Coat." This is mentioned again on April 7, 1724.

42. *Laws and Ordinances of New Netherland* (Albany, 1868), ¶ vi, p. 3.

43. See authorities cited in D. R. Fox, "The Negro Vote in Old New York," *Political Science Quarterly*, July, 1917.

44. E. H. Hall, *Philipse Manor Hall*, p. 110. In 1750 Adolph Philipse had also thirty white servants at the Manor Hall at Yonkers.

45. George Muirson to Society for the Propagation of the Gospel, Jan. 9, 1708, *Ecclesiastical Records of the State of New York*, vol. III, p. 1695.

46. Scarsdale in 1740 had 255 people.

47. One case was that of the Widow Bathsua Wessels, who complained that her brother, Justice John Pell, was detaining her cattle, and prayed that her "brother Mountaine should not be allowed to swallow her Moulhill"; *Cal. N. Y. Hist. MSS.*, p. 247. See, for another example, *ibid.*, p. 253.

48. See Westchester Records of Deeds, Liber E., pp. 4, 5, 117, 328–329, 333, 334, 346, 385; Liber F, p. 175; and Abstract of Wills in *N. Y. Historical Society Collection for 1893*, p. 202.

49. *Livingstons of Livingston Manor, passim;* E. P. Cheyney, *The Anti-Rent Agitation in the State of New York* (New York, 1887); E. H. Hall, *Philipse Manor Hall*, pp. 87, 115. H. D. Eberlein in *The Manors and Historic Homes of the Hudson Valley* (New York, 1924), p. 29, neatly summarizes this ancient practice as follows: When a copyholder or tenant sold his holding, he really "surrendered it to the Lord of the Manor and paid him the customary fine or transfer tax, whereupon the Lord granted the holding to the person nominated by the outgoing tenant."

50. *N. Y. Col. Docs.*, Vol. IV, p. 791.

51. Cadwallader Colden in *N. Y. Doc. Hist.*, Vol. I, p. 384.

V

In which Caleb Heathcote rounds out his career in local administration by three years' service as the Mayor of New York.

THROUGHOUT the four years of Bellomont and Nanfan, Caleb Heathcote had to be content with Westchester as his theatre of action; forced from his seat in the provincial council, he found he could not get a contract for supplies or firewood, much less win official honors.[1] He continued his business as a merchant, though not so actively, and during the latter part of 1701 imported only one invoice, sundry casks, boxes, and cases in the ship *New York*, valued at £280. The following year his account stood only for a pipe of wine, on which he paid two pounds as customs duty.[2] As soon as the appointment of Lord Cornbury was announced he seems to have set his hope on the office of collector and receiver-general.

In 1695, when Chidley Brooke was absent on a visit to England, he had been made one of two commissioners to carry on those offices, and had found the work congenial as well as lucrative.[3] Now one of the first appointments made at the behest of the new governor was a commission of three to manage the offices, which had been recently held by Thomas Weaver, a clamorous politician of the Leislerian party who had also held the office of solicitor-general,

created because the attorney-general was not sufficiently subservient.[4] The governor wrote the board of trade that he should be glad if one of these gentlemen were made receiver-general,[5] and Heathcote wrote his brother Samuel in England praying for his influence to bring about his own appointment as collector for the province.[6] These offices were both under the direction of the treasury department in London and, when not in commission, had been held by one man, who reported directly to Auditor-General William Blathwayt.[7] The pay drawn by Brooke and then by Weaver was £300 a year, with certain other fees, and this sum was now divided by Heathcote, Thomas Wenham, and Peter Fauconnier.[8]

Busy lawyers of the present day, checking through the legal titles to New York City lots transferred in the Revolutionary era, must be surprised at the strange contents of the first ninety-nine pages of Liber 30 of conveyances, old series, filed in the register's office in the Hall of Records; for the clerks who made fair copies of the deeds of 1774 evidently made use of an ancient record book already partly filled with the statement of accounts of Thomas Weaver and his successors the commissioners. This record of "customes inwards and customes outwards and goods carried on Hudson's river" makes one of the most complete and satisfactory sources of such character in American Colonial archives, setting forth as it does the names of merchants and the merchandise consigned to them on each incoming ship, together with the other receipts, and all general expenditures

from the royal exchequer in carrying on the province.[9] The revenue which the officers received varied, of course, but ran about £800 the quarter, on the average; the expenditure necessarily bore some correspondence, though occasionally the commissioners had to advance some money and wait for reimbursement. They inherited confused accounts—Weaver had found it expedient suddenly to leave the province at the change of governors[10]—and there doubtless was considerable work connected with the office in the little customs house by the battery. Heathcote had been named first of the three, and his name stood first among the signatures attached to quarterly reports, yet the most active commissioner seems to have been Peter Fauconnier, a bankrupt army outfitter, according to report, who had come across with Cornbury; upon his head, at any rate, centred charges of carelessness if not corruption in the management of the office. The commissioners were succeeded by two officers in 1703, George Clarke, nephew of the auditor-general in England, as collector of the customs and Thomas Byerly as receiver-general.[11] Whatever Heathcote learned by his connection must have stood him in good stead when he became surveyor-general of the customs for the northern district.

Whether or not Caleb Heathcote gave much time to duties in the customs house or as councillor in the fort, he had the esteem of men of all interests and descriptions to a remarkable degree. He had outwardly the pleasantest relations with the governor,

Lord Cornbury, though he must have known the faults of that corrupt and faithless officer;[12] but he never forfeited the respect of Cornbury's severest critics. With this broad support he might well consider himself available, and be considered, for preferment far above the offices of collector and receiver-general. But he knew very well that in the English civil service of the eighteenth century, "influence" and not merit or general popularity was the key which opened the door to honors and profit. One man might be ever so intelligent and efficient in the execution of his trust and win nothing but an easy conscience, while another one, the second cousin of a minister, rose steadily to wealth and power. It is interesting, therefore, to read a letter from Colonel Lewis Morris, of New Jersey and Morrisania in Westchester, to the Secretary of State in London, written February 9, 1708, when Cornbury's sands were nearly run and a new governor must be found: ". . . We are told Sir Gilbert Heathcote has made some interest for his brother Coll. Caleb Heathcote; he will be a man to ye generall sattisfaction of ye people, and at this juncture to obteine a resettlement of her Majties revenue, no man fitter. I know no man understands ye Province or People better, or is more capable of doing her Majestie reall service. He is an honest man and the reverse of my Lord Cornbury; of whom I must say something wch perhaps no boddy will think worth their while to tell, and that is, his dressing publicly in woman's cloathes every day, and putting a stop to all public business

while he is pleasing himselfe with yt peculiar but detestable magot."[13]

St. George Talbot, a zealous churchman, hoped that Cornbury, whose hypocritical professions of piety brought religion into contempt with many who saw the contrasts of his conduct, might be supplanted by a man of honest reverence and worth, and he wrote the Society for the Propagation of the Gospel that a report that Heathcote had been appointed governor would be the best news, next to the gospel itself, that ever came over from England.[14] Heathcote, of course, had too much sense of fitness to institute comparisons in his letters to that society, though he did pray the secretary to "prevail with the Archbishop of Canterbury to use his utmost endeavors and interest, that my Lord Cornbury may be succeeded in this Government by one of whom there is all the moral assurance that can be had, that he will be a true promoter of religion and virtue, and will not be wanting to forward that glorious design the Society are laboring for."[15]

The letters of Morris and Talbot make one of the few instances of nomination of a chief executive by the citizens of a province. But whatever representations were made by Sir Gilbert, whose word must have had some bearing with the all-Whig administration newly formed to guide the British destiny, they were no more efficacious than those of his brother Samuel, if he had made them, a half-dozen years before; and no more resulted from the interest of the church. It had been decided that the next

governor should be a soldier, and in the middle of December there came John, Lord Lovelace, storm-tossed and so exhausted by his arduous journey through the snowdrifts of Long Island, where his ship had been obliged to make her landing, that he survived but five months at his post.[16] The same policy of sending out a military man to rule New York, in this time of the second colonial war with France, was followed in choosing his successor, Colonel Robert Hunter. No American was ever made a full-rank royal governor of New York; if the ministry in this early day had risked the experiment with Colonel Caleb Heathcote, sensible, fair-minded, and efficient as he was, the tradition of that office might have been quite different.

As it was, he had to content himself with a much less conspicuous post in New York City. His property alone gave him some consideration in that community, for according to tax assessments in the sixteen-nineties he already held one of the most valuable estates within its limits, being surpassed by only three men, Frederick Philipse (whose property was more than double any other's), Stephanus (or Stephen) Van Cortlandt, and Gabriel Minviele; all of the four were councillors and three became manor lords in Westchester.[17] After 1710 he was more highly rated, for he became the sole heir of his cousin George, the merchant, of New York and Philadelphia.[18] Reference has been made to this relative's transactions and his wealth, especially in that plot of real estate which lay athwart the line of King

Street, later renamed Pine by a republican generation, property which in after years came into the hands of the Schuyler and Livingston families.[19] George Heathcote, too, had prospered at the hand of Fletcher and thus added to his holdings; it is interesting to find among this property three taverns, the "Dolphin," the "Royall Oake," and the "Hope."[20] More to the point, whether bachelor or not, the evidence being dubious on this point, he had no direct heirs and Caleb Heathcote profited in consequence.[21] As late as the middle of the eighteenth century the plots taken together were numbered among the most important holdings on Manhattan Island.[22] His personality supported by such propertied interest in the city, it was appropriate that his friend Governor Robert Hunter and his own colleagues on the council should in 1711 appoint him mayor, one of the thirty-four substantial citizens who held that office during the colonial period of New York. He was to serve three terms, during part of which years, oddly enough, Sir Gilbert Heathcote was serving as Lord Mayor of London. That would have made a pretty prophecy in a Derbyshire household in 1666, when one boy was fifteen years of age and the other was the wonder of the day, nestling in his nurse's arms.

The little metropolis had grown to number nearly six thousand people, of whom one-sixth were black,[23] when on October 15, 1711, the new administration was ushered in; and its traditions of decorum were strengthening each year. On that first morning at ten o'clock the retiring chief magistrate, Jacobus

Van Cortlandt, met his successor at the City Hall, at Wall and Broad Streets, and together with May Bickley, the recorder (who held office "during pleasure" and not by annual appointment),[24] the incoming aldermen and assistant aldermen, the new sheriff, Francis Harison, and the constables and other officers of the city, all clad in their regalia, solemnly marched to Fort Anne, half a mile away, to wait upon the governor. The mayor and the sheriff were then and there sworn in, and all repaired to Trinity Church to hear a sermon by the rector, Mr. Vesey. Thus edified they retraced their steps to Fort Anne for final admonition, and thence returned to the City Hall, where, after the ringing of bells, their commissions were read to the assembled public. Then in the court-room Mayor Van Cortlandt resigned his chair and seals, Mayor Heathcote administered oaths to aldermen, assistant aldermen, and constables, and the new government was instituted.[25]

The common council, made up of Mayor Heathcote, the recorder, the six aldermen and their assistants, one of each class representing a ward, had the whole power of local government for the city under the charter which Governor Dongan had secured about a quarter-century before. They appointed petty officers like gaugers, packers, and cullers, the keeper of the pound, the public whipper, and the bellmen, supplying the latter with two-hour glasses to time their rounds. Likewise they appointed scavengers of the streets, if the pigs should not suffice, and fined those who failed to take their turn in the

public watch. They declared the assize of bread every three months, calling usually for a four-penny white loaf weighing two and a half pounds and made of finest flour, but, since the quality might differ despite the rule, they required each baker to fix his initials in the bread.

Inasmuch as shabby workmanship disgraced the city the council frowned on masters who excused apprentices with only four years' service and insisted for the future on the traditional seven. They laid down regulations for the conduct of such strangers as came into town and for that of every one upon the Sabbath day. Carmen were warned not to drive their carts in the common sewers, on pain of fine; guns should not be fired in the streets nor sods cut from the common; and a special ordinance prohibited frauds in firewood, as if the proverbial negro now and then played his rôle in ostensibly solid cords.[26] They collected rents from ferries, docks, and swamp, and licenses, fines, forfeitures, and franchises to the total sum of about three hundred pounds a year, and expended it in improvements.

During Heathcote's terms the great bridge by the customs house was finished and made convenient for shipping and landing merchandise, the market house at the foot of Broad Street was repaired and a new one set up near the north end. The Broad Way was graded from Maiden Lane to the Common and two rows of shade trees set out along this section to correspond with that to the south. As one reads the record the impression grows that the administration

was energetic and efficient. The item that a more convenient place was designated for hiring and selling Indian and negro slaves recalls the first negro plot, which took place during Heathcote's terms. A number of desperate blacks worked out a plan to seize the town, but the conspiracy was frustrated and the governor and mayor dealt out summary justice. The mayor and his colleagues appropriated the sum of £36 0s. 10d., the grim account informs us, for irons, gibbets, cartage, labor, firewood, and other materials and expenses for the executing of "several Negro slaves for Murders by them committed April last." [27]

But the mayor's duties were not confined to making ordinances and enforcing them; he likewise had his court and had to take his part in finding justice. The mayor or the recorder, together with at least three aldermen, made up the mayor's court of common pleas, meeting every Tuesday, with jurisdiction over civil actions involving ejectment, debt, damages, and the like, while they also were empowered to sit at other times as a court of sessions trying cases of petty larceny, riot, rout, oppression and extortion, assault, and other breaches of the peace.[28]

Following the finely engrossed record,[29] one can see again in the eye of the imagination the court-room of the City Hall the morning after the new government took oaths of office, when it assumed its judicial duties, all the officers being present. The handsome mayor, with his full-bottomed wig and scarlet gown, sat in the centre of the dais behind the desk,

with the recorder, learned in the law and thus a necessary prompter, sitting at his right, and the six aldermen at the side. In front, the passing centre of attention from the little crowd of curious visitors, with a sprinkling of attorneys, there stood a well-satisfied subject of the British crown, with an especially high opinion of this court. This was one Peter Porter, alias Marquess, who doubtless wore a grin across his black face, for he was listening to the mayor grant him manumission papers. As he gratefully bowed departure he was succeeded by a litigant of very different manner and appearance, Rip Van Dam, a prosperous merchant in the West India trade, whose white wig almost matched his friend the mayor's.[30] His dignity had been flagitiously outraged not long before by a beating in the street at the hand of Stephen Thomas, Gent., who with force and arms had set upon him and incidentally carried off a silver-headed cane worth fifty shillings. The sympathetic court awarded him five pounds as damages.

So week by week the human pageant passed by in review. Now the court-room saw the dashing uniform of Her Majesty's naval service, with boots and sashes, when there came the officers of the *Faversham*, which had been sent to protect the commerce of the city from French privateers. Having satisfied the mayor with their certificates and affidavits that they had received the sacrament of the Lord's Supper on the previous Sunday, according to the liturgy of the Church of England, they took the test oaths as prescribed by Parliament. Soon afterward the officers

of the *Triton* performed their legal duty in a similar way. Again, some termagant was haled before the bench to answer for some "false feigned scandalous and Defamatory English words" and "vile and opprobious epithets," which she had uttered "with a loud voice," some of them, sad to say, not unfamiliar to the modern reader.[31] Now came Alderman Samuel Bayard, merchant and contractor, or young Philip Livingston, down from Albany, or some other dignitary suing a delinquent debtor; again, the court must give attention to the deplorable violence of Moses Levy in striking Abraham De Lucuna. The dozen attorneys of the province buzzed in and out, exciting litigation, while the mayor and his colleagues wished their little world might run its course more smoothly.[32]

It was during Caleb Heathcote's term that the court first granted money for expenses to such witnesses as came from distant points, and provided counsel for such parties in suit as were too poor to pay for professional service. But these innovations, of course, were made by the agreement of the entire court. Indeed, the mayor's one separate power in all his functioning was that of granting licenses to "Tavern Keepers, Inn Keepers, Ordinary Keepers Victuallers And all Publique Sellers of Wine strongwaters Syder Beer or Any other Sort of Liquors by retaile." For each license he might claim a fee of thirty shillings, but since it was the custom to concede these fees, and possibly even those collected from admitting freemen and for acting as a justice,

it is probable that the colonel did not greatly profit from his honorable office.[33]

His compensation was the sense of public service; in his concerns the general interest had a real and prominent place, as was oftentimes the case with those of aristocratic temper. But, we are to see, his vision was not narrowly confined within his manor, nor the city of New York, nor, indeed, the province, for he thought of himself as a British citizen playing his part in the splendid enterprise of building a great empire.

NOTES

1. From 1698 to 1702, when he was not a member of the governor's council, he continued as presiding judge of Westchester County Court of Sessions. He had been eligible before as a councillor and hence a justice of the peace "as of the quorum" (see chapter I), but now served by means of an incidental capacity as justice of the peace that went with the mayoralty of the borough town of Westchester. His appointment as first judge of the court of common pleas did not lapse.

2. Liber 30, Conveyances, Old Series (Register's Office, New York City Hall of Records, Chambers Street), first 99 pages, under dates December, 1701, and June 23, 1702. A pipe is a double hogshead, containing from 110 to 140 wine-gallons, according to the kind of wine.

3. *Cal. St. P. Col.*, 1693–1696, no. 2103; *N. Y. Civil List*, 1886, p. 177.

4. *Cal. N. Y. Hist. MSS.*, vol. II, pp. 314, 328; *N. Y. Civil List*, 1886, p. 169.

5. Letter dated Oct., 1702, *Cal. Treas. Papers*, 1702–1703, p. 75.

6. E. D. Heathcote, *Families of Heathcote*, pp. 75–76. The letter is dated July 16, 1702.

7. See H. L. Osgood, *American Colonies in the Eighteenth Century* (New York, 1924), vol. II, p. 75.

8. Receiver-general's records as cited above in Liber 30, Conveyances, Old Series.

9. H. L. Osgood, "Report on the Public Archives of New York," in *Annual Report of the American Historical Association for 1900*, vol. II, p. 201: "It is safe to say that no more valuable or detailed record of trade and customs during the Colonial period has survived." In Professor Osgood's description "Liber 29" is misprinted for Liber 30. Accounts during the incumbency of Heathcote as a commissioner are printed as Appendix II to the present study.

10. H. L. Osgood, *American Colonies in the Eighteenth Century*, vol. II, p. 64.

11. *Ibid.*, p. 62.

12. See the discussion of Cornbury in C. W. Spencer's *Some Phases of Royal Government in New York;* J. R. Brodhead, "Impeachment of Cornbury as a Forger," *Historical Magazine*, 1863, vol. VII, p. 329; William Smith, *History of New York*, vol. I, pp. 186–190, etc.

13. Colonel Lewis Morris to Secretary of State, February 9, 1707 (1708), *N. Y. Col. Docs.*, vol. V, p. 38; "magot" may mean "monkey," or, more probably, "fancy."

14. N. Y. Genl. Convn. MSS. (Hawks Transcripts), vol. I, p. 176. On St. George Talbot, see Lea Luquer, *Centennial Address delivered at St. Matthew's Church, Bedford* (New York, 1876).

15. Letter of December 24, 1707, quoted in Robert Bolton, *History of the Protestant Episcopal Church in Westchester County*, p. 179.

16. C. W. Spencer, *op. cit.*, p. 13.

17. "Tax lists of the City of New York, December, 1695–July 15, 1699," in *N. Y. Historical Society Collections for 1910, 1911*, pp. 27, 29. Heathcote was assessed £640, Philipse £2,570, Van Cortlandt £760, Gabriel Minviele £710. Heathcote's assessment was reduced in 1696, but only in proportion to others. It seems to have been the

custom to raise and lower assessments, rather than the tax rate, according to fiscal needs.

18. A letter from Bellomont to Abraham De Peyster, August 21, 1699, after mentioning Fletcher's grants goes on to inquire "whose land it was he made batteries on in the war time. Mr. Leisler I believe was one, and I think a quaker another—George Heathcote is the Quaker's name, as I think"; see appendix to Frederic De Peyster, *The Life and Administration of Richard, Earl of Bellomont* (New York, 1879), p. vii. See Abstracts of Wills for 1708, *N. Y. Historical Society Collection for 1893*, p. 59. See also *Cal. Executive Council Minutes*, pp. 47, 213.

19. I. N. Phelps-Stokes, *Iconography of Manhattan Island* (New York, 1915), vol. I, 248, citing MS. records in comptroller's office.

20. *N. Y. Historical Society Collections for* 1912, pp. 68, 69, 175.

21. The following item casts some doubt on the statement in E. D. Heathcote, *Families of Heathcote*, that George Heathcote was a bachelor: "Gawen Laurie asks for letters of administration on the estate of Samuel Groome deceased; George Heathcote son-in-law of deceased objects"—*Cal. Executive Council Minutes*, p. 38. But "son-in-law" may have meant adopted son.

22. "On Manhattan Island the most valuable estates were those of Stuyvesant, Bayard, Heathcote, De Lancey and De Peyster," Carl L. Becker, *Provincial Parties and Party Politics*, 1700–1769, p. 9, citing: Valentine's *Manual* (1857), p. 498; (1861) 536; (1864) 563–623; 665; D. T. Valentine, *History of New York*, pp. 228, 233, 236, 242, 243, 379; *N. Y. Ass. Journal*, p. 115.

23. I. N. Phelps-Stokes, *Iconography of Manhattan Island*, vol. I, p. 190.

24. Bickley had served three years and was to serve one more; *Minutes of the Common Council of the City of New York* (New York, 1905), vol. II, p. 367, vol. III, p. 367.

25. *Ibid.*, vol. II, pp. 450–452.

26. The description of the functions of the council is drawn from *ibid.*, pp. 452 *et seq.* On assize of bread see

Minutes of the Common Council (index); Peterson and Edwards, *New York as an Eighteenth Century Municipality* (New York, 1917), especially pp. 267–268; and *American Medical Repository*, vol. IX, pp. 436–438.

27. *Memorial History of the City of New York*, vol. II, pp. 144–145, 631; I. N. Phelps-Stokes, *Iconography*, vol. I, p. 190; *Minutes of the Common Council*, vol. III, p. 27.

28. C. P. Daly, "History of the Court of Common Pleas for the City and County of New York," etc., in E. D. Smith, *Reports of Cases in the Court of Common Pleas in the City and County of New York* (New York, 1855), vol. I, p. xlvii.

29. Preserved in Room 801, Hall of Records, Manhattan, New York City, in volume on 1710–1715.

30. Charles Maar, "Rip Van Dam," in *De Halve Maen* (Holland Society), July, 1924, and article on Van Dam in *Appleton's Cyclopedia of American Biography; Cal. Executive Council Minutes*, pp. 84, 162, 179; *N. Y. Civil List*, 1884, pp. 422, 551.

31. A. E. Peterson and G. W. Edwards, *New York as an Eighteenth Century Municipality*, pp. 21–22.

32. D. T. Valentine, *History of New York*, lists the attorneys in an appendix. David Jamison, Jacob Regnier, Thomas George, Henry Wileman, and May Bickley may be noted as practising before the mayor's court during Heathcote's incumbency.

33. Peterson and Edwards, *New York as an Eighteenth Century Municipality*, pp. 26, 46.

VI

In which Caleb Healthcote, as a man of business, advances sundry proposals for the good of the British Empire.

THE achievement of a truly national state by the English, as well as other western European peoples, largely in the fifteenth and sixteenth centuries, had made a mould of nationalism for economic thought as well as for politics and religion. It was necessary in the minds of statesmen, and the idea has had a vigorous existence to this day, that each nation be as far as possible a self-sufficient economic unit with a treasury well filled with gold brought in by advantageous foreign trade. "If the native Commodities exported," wrote the economist Edward Misselden in 1623, "doe weigh down and exceed in value the foraine Commodities imported; it is a rule that never faile's, that then the Kingdom growe's rich, and prospers in estate and stocke: because the overplus thereof must needs come in, in treasure"[1]—and in that day, when international credit was not much developed and when war expenses might recur at any moment, bags of specie in the royal vaults were especially desirable.

It was obvious that if raw products were needed for direct consumption or for manufacture beyond

the capacity of nature in the homeland, the next best arrangement was a series of supplementary and subservient nations in those parts of the world as yet unclaimed where the climate and the soil were more beneficent in these respects. The commercial revolution grew out of national aspirations of the western European nations desiring cheaper routes to the Indies for themselves rather than continual tribute to Italian middlemen; but by chance it opened up new areas across the seas which gave just such opportunities to carry out this mercantilist theory.

The colony should supply deficiencies in necessary raw materials while consuming surplus manufactures from the homeland. A colony which served the state was useful; that which did not was useless and should be economically reformed. A colony which in its production merely duplicated the home country would, from this point of view, be disappointing. There would be no manufactures in the ideal colony, all bending effort to extractive industry, for they were furnishing a plantation and a market for the homeland, not a rival. In the scheme there was a hint of the Roman precedent as well as the Greek, for the colony existed for the benefit of the state, not for the colonists; these, indeed, were special servants of the empire, like the sovereign's soldiers, sailors, and department clerks. The colony should therefore be obedient, having in return protection by the royal arms. There were defects in the theory, as when it called for a permanent balance of trade against the colony without suggesting where the col-

ony was to get its specie for continual payment, but it summed up the economic phase of the old colonial system for all the European nations. Revolutions finally came in the American colonies of England, Spain, and Portugal, because their natural resources were not confined to a few desired staples for the homeland but were sufficient in variety and extent to make possible separate nations. But these great events transpired more than half a century after the curtain of our little drama of Colonel Heathcote's life had been rung down.

In America there developed two kinds of patriotism. One glorified the province and sought its profit and prosperity in every way; to these particularists the government in London, with its officials and its navy, might be a useful friend or again it might be meddlesome; they wanted to be let alone in their plenty and resented navigation laws and similar interference. On the other hand, there were some who thought imperially and, anxious to advance the British interests round the world, were thrilled with pride at all that made for the power and the prestige of the whole; to them the mercantilist policy seemed applied intelligence. These were not so numerous, yet through the natural favor of the royal governors they counted far beyond their numbers. Though family feuds and personal relationships might cut across this division on political interest, there was something like a party struggle between the "colony men" and the "prerogative men." It was charged that among the latter were many syco-

phants, especially among recently arrived adventurers—just as there were selfish, narrow-minded men in the so-called popular faction—yet certain it is that there were imperialists, of native birth or long residence, like Joseph Dudley of Massachusetts, who were high-minded and sincere.[2] Among these was Caleb Heathcote. His was not a character to arouse contention, yet he was fearless and consistent, and he thought as intently and spoke as clearly as almost any American of his generation for the development of the British Empire. He was especially concerned with the production of materials for his sovereign's ships.

Long before he came to America, indeed as early as Captain John Smith's voyage along the coast of Massachusetts Bay, it had been realized that colonies in those parts might furnish enough naval stores to relieve the realm of its dependence on the Eastland countries—that is, Norway and the lands that fringed the Baltic. But due in part to the letters of Edward Randolph describing the opportunity, in part to the European War of the League of Augsburg, which emphasized the need, and in part to the fact that with the development of rice and tobacco to the south and the various staples of the Caribbean Islands, the northern colonies alone remained deficient in the colonial function, the last decade of the seventeenth century saw a quickened interest in the possibilities of naval stores production north and east of the Delaware. A surveyor-general of the woods was appointed and in 1698 special commissioners ar-

rived to seek out what the country could afford in masts, ship-timber, hemp, tar, pitch, rosin, and iron. Governor Fletcher had appointed a committee of his council to study their production in his province.[3] The Earl of Bellomont, surpassed by no royal governor in zeal and rivalled in Colonial history only by such men as Spotswood and Shirley, wrote long letters on the opportunities in the Mohawk valley and the boon that it would be to commerce to have a staple always waiting at the harbor of New York.

After the earl's untimely death in the spring of 1701 it was none of his Leislerian supporters who carried on the promotion of such schemes, but rather Caleb Heathcote, who admired him in those concerns as much as he disliked his partisan rancor. In December he wrote the home government a letter through the Bishop of London. He connected the matter at hand with defense, as had the earl, for the ordinary labor cost of three shillings a day per man was thought excessive to allow competition with Sweden on purely economic grounds. But instead of planting veterans of the British standing army, like Roman *coloni*, along the border to work at forestry and tar and pitch extraction, as had been Bellomont's proposal,[4] he suggested that the Colonial militia take their turns at such employment, to make them more serviceable to the crown and to save the expense of regular troops. In their spare time they were to be exercised in feats of arms, leaving at any given moment two hundred to mount the guard while the rest were providing naval stores. The plan was com-

municated to the board of trade, but an industrial militia working in rotation was beyond the imagination of that body. With its discipline and drill, combined with universal service in the arts of peace, it has, indeed, a modern ring, suggesting Professor William James and his moral equivalent for war rather than the pundits of the Augustan age.

The War of the Spanish Succession, which now broke out, increased the need of naval stores. Dissatisfaction grew with the monopoly of the new Stockholm Tar Company, which insisted on delivering its pitch and tar to the British ports in Swedish ships, at a high fixed price; this not only made the Eastland product more expensive, but shut out the British carrying trade. Colonel Heathcote was one of those who felt that profits and the larger patriotism might be served together in these concerns. In 1705 the government of Connecticut granted to a company of seventeen partners, numbering the colonel among them, a monopoly for five years of selling naval stores from that colony, though other individuals might use Connecticut timber in building their own ships.[5] It was not created a corporation, for the powers of colonial governments in this regard were uncertain,[6] but the "undertakers" nevertheless had the widest powers to acquire land and carry on all related business for their "proper profitt, benefitt, and behoof." Apparently their monopoly right was to continue if they actually exported some of their commodities within the five years; but, since nothing more is heard of the plan, it is probable that

these undertakers found discouraging obstacles in their way.

Believing that private enterprise should have some patronage from London, and despairing of finding any responsive interest in the narrow and ill-furnished mind of Edward Hyde, Lord Cornbury, in November of the same year Colonel Heathcote wrote directly to Sidney Godolphin, Her Majesty's lord treasurer and chief minister of state. The long letter mentions his experience as a ship-builder and reveals his anxiety to give an object lesson to New York of the practicability of such large-scale industry, even including the manufacture of rope and sail-cloth. Having made "but very few proselytes," he hoped a little royal favor might increase the interest in the demonstration. The letter has a special value in its estimates of prices. It is certainly worth examination in its picture of the times—the effect of impressment, the farming out of soldiers for private use in industry, etc. There were four established or independent companies of regular soldiers, and if the colonel offered to duplicate the detachments of six from each among his own people there is a hint that he was at the time an employer of some consequence. The letter follows:

Caleb Heathcote, Esq., to the Lord Treasurer[7]

To the Right Honble the Lord Treasurer
My Lord,

I cannot but acknowledge it to be the greatest presumption imaginable for me, who am wholly unknown to your Lordp to take upon me the freedome thus of writing, but

when I consider Your Lordp's uncommon zeal for the discharge of that trust which is so happily placed in Your Lordp I cannot but believe that anything offered for the advantage of that Crown Your Lordp so faithfully serves will be very acceptable and plead my pardon. I have, Mylord, for some years past been endevouring (tho' as yet something unsuccessfully) to have laid before the Queen, of how great service, these parts of Her Majesty's Empire[8] might be made to the nation, relating to Naval Stores; but thro. the miscarriage of my letters, and by one misfortune or other though I push'd it forward by several hands, I have as yet neither received any directions therein, nor any accounts what I offered, was not approved of; except what I have heard from My Lord of London, who has taken a great deal of pains therein, but by reason of the great hurry which he is continually in, together with his often indisposition he is not able to be so active therein as he would, and being unwilling to lye any longer under suspence in that matter, I have taken this uncommon freedome of writing to your Lordp.—I cannot but take notice by the late Act of Parliament, how zealous the nation is to have a thing of that nature effected, but although what they have already done, may well enough answer their intent, and that speedily, concerning Tar, Pitch, Mast and Rozin, yet unless some new measures are taken, they wont find any benefit thereby relating to Hemp or Flax, which is the most weighty part, and would be of the greatest advantage to the Crown if could be effected, and the reason why there are not any hopes of supplyes of that sort is very plain, for notwithstanding the great encouragement of the prices which have been given by the Merchants for Rigging ever since my coming to this province, which is now fifteen years, vizt from 56 to 90 pounds a Tunn and seldom or never under the former price. Yet the people have had so little inclination to meddle with it, that four fifths of our supplys have

been from England and Holland, from whence several hundred Tunns are imported to North America, that until we can raise sufficient quantitys and at such prices, as will prevent its being brought from hence, England can not hope much from us, nor can this, My Lord, be remedied, unless some further measures are taken to forward that noble design, the effecting of which, and of all the difficult parts relating to Naval Stores, so as this Country may see their true interest and be brought into a general humour of carrying it on, is what I am desirious to undertake and endevour at; and I do assure Your Lordp it is not for want of business, nor purely to gain a fortune, that I tender my service on this score; it having always been my principle and practice to prefer the publick before my own private interest, nor has any man in these parts, so much business of his own on the wheels as I have, nor do I blindly guess at what I am about to inform your Lordp. It being the chiefest branch of my business to build Vessells for whom my people do raise Hemp and Flax and make their Rigging, ettc sayles, which gives me a perfect and thorough knowledge in affairs of that nature, and is more than has ever been done by any man, either in this or any other parts of the world, that I have heard of. This full experience in my own affairs, concerning Naval Stores, enables me to be very serviceable to the nation therein, because all I have to do, is only to act the same part over for the Crown, which I am daily doing for myself, and as it were, to draw out copies of my own affairs. I would not be supposed, Mylord, to be about to perswade Her Majesty to lanch out sums of money towards the effecting this great design. I am so far from that (that although the things are very extraordinary which I aim at) that Her Majesty will not only be free from advancing one new penny in making the Essay which afterwards may be carried on in a great measure by the same means, but on the contrary, have a certain profit in trying the experi-

ment, let the success be what it will. What I have to propose to Your Lordp, and that which I hope under the Blessing and Assistance of Almighty God, to do for the service of the Crown, are comprised under these five heads: Vizt, First, that small ships of war may be built in these parts for less than one half as hath ever yet been done anywhere for the Nation. Secondly: that Rigging may be delivered from hence into the Queen's Stores, as good and as cheap as from the East Country. 3dly That sayle cloth may be made here, near as good and as cheap as in Europe. 4tly That Oak plank may be had delivered at the water at about the following prices: vizt Two inch plank four shillings, Three inch six shillings and four inch, nine shillings the 100 feet in sterl: money, and all the other Plank timber and Boards in proportion. Fifthly. That means may be found to save the half of all victualling and other expences whatsoever relating to the guardship. If I am able to do these great things, and without the least detriment to Her Majesty's service in any other respect, Your Lordp, I humbly suppose will agree with me, that the service will be very considerable, and I assure your Lordp, that I hope I shall.—What I have now to do in the next place is, Mylord, to propose the method how an Essay may be made without putting Her Majesty to any new expence, or disturbing my own fortune in order thereunto, which may be done on this manner: That by an order from the Crown, I may have liberty to make use of six men out of each the Established Company's or that in case, they are so thin of Men, that they cant conveniently spare them all, or that such who are for my purpose wont be employed, I may have liberty for a year to inlist others, they not being obliged to remain longer in the service than the time I employ them. That all the subsistance and pay due to those men, be paid to my order in England, I will with the Blessing of God without any other help goe through every thing I proposed, except

building the Friggat, in which no projection need be tryed; for if 450 £ be laid out according to my directions in England and insured by the best men which can be found, allowing for that reason 4 per cent extraordinary on the premises, I can for these goods or the value thereof being sold, insurance included, positively Indent with carpenters to build a Friggate or Gally of Deck and half, sufficient to carry twenty four guns, and the Carpenters to find Pitch, Tar, Plank, Boards and all Timber that nothing will be wanting, but the Iron work, except Guns and Stores; for as for Rigging and Sayles, they will naturally flow from the following projection. And if such a Friggate was directed to be built and appointed a Guardship for this Province, and I the liberty to recommend the Captn that I might meet with no obstruction from him in the Management, and the care of victualling left to me, I should not question, with the blessing of God to make it out in every part what I have proposed relating to the ships of war and their subsistance, and besides the very charge which would be saved in refitting, victualling and Manning a Friggate at home of the same bigness, to be sent for this Port, ere she arrives here would cost the Queen as much or more, then the Hull, Sayles and Rigging of one built in the method I have proposed.—Now as for the experiment or Rigging, sail cloth and plank of all sorts; having liberty of the hands above mentioned or so many as I shall think proper to make use of, I will joyn with them the like number of my own people and employ them on these heads in the best ways and methods I can; so that I will not put myself out of the order of my own business nor wander in new paths, and all the produce which can be had from them under the best direction I can give, shall be one half for Her Majesty's use and the other for mine; and that Her Majesty may be satisfyed I neither defraud the Crown on the one hand, by taking a greater share of the produce than I ought, nor

delude the Queen, on the other in making Her Majesty believe, that the profits are greater than they really are, I will have fair and particular accounts kept on the whole matter and have them made up every quarter, and transmitted on oath, where shall be directed. And whereas it may properly enough be asked what I compute the Rigging may cost the Queen a Tunn sterl: money in the method I have proposed and sayle cloth the yard to be delivered on Board ships here; I believe the former will not exceed twelve or fourteen pounds sterl: a Tunn, and the latter tenpence or twelve pence the yard. It may further be demanded, what I compute the charge would be in maintaining a Gally or Friggate of 24. guns, allowing one hundred Men on Board, when on her cruise, my opinion is, that taking all proper advantages in the good husbandry thereof, it may be done: vizt Victualling with all repairs and charges whatsoever (unless in case of extraordinary accidents) and Mens wages paid and cleared of, Officers excepted, for about 14 hundred pounds sterl: a year, and I hope less. What I propose from a management of this sort relating to Naval Stores, is not that the Queen should afterwards exactly proceed in those methods in procuring of them, but the chief end is, that a projection of that nature being set on foot, would open the eyes of all Her Majesty's subjects in those parts, who would much more early fall to raising of Naval stores of this kind, when they saw it so fairly acted before them, and fully made sensible of the advantages of it, which, without some projection of this nature, they won't easily be brought to. I have not been wanting in giving them the best example and patron I can, concerning Hemp and Flax, no Man in America having ever seemed to be in earnest about it before; and tho' I have not been wanting to spend my best arguments by how much greater advantage it would be to them than anything else they can go upon; Yet I have as yet been able to make but very few prose-

lytes; but were a thing of this nature so publickly set on foot, it would command their notice, and I would endevour with the blessing of Almighty God, to put it under such rules, that they must be very blind, and averse to their own interest if they did not do the like.—I have, Mylord, lived 15 Years in this Province, and have with grief beheld the vast sums of money that has often been little better than squandred away in the ships of War, who many times, instead of their being an ease to us, have been a burthen and vexation in pressing and harrassing the People to that degree, that the City has been sometimes almost starved, nobody daring to come to market for fear of being pressed; to which distemper I also will endevour at a cure, if what I have proposed be approved of. All the objections I can at present reckon up to this design are only two: one, whereof is, that Sir Jeffry Jeffers having undertaken the victualling, I cannot properly have the subsistance, unless I take it here on the terms he is to pay it, if I receive any Men from the Garrison, they may, till I return them, be left out of their Muster Rolles, and for those I inlist, is no need of being placed there, but may all of them (till the experiment is made) remain in a distinct list or Muster Rolle. The other objection is, that the Garrison will be thereby made weaker, which may likewise be easily answered, for none of the men will be employed above six or eight hours March from the Fort, and may repair there on any alarm. And it may be further offered, that never since a Garrison has been maintained in New York but as great or greater numbers than six out of 100 Men have had furlows for equal distances to benefit private persons, and there is much more reason for the Crown, to make use of the same advantage for an experiment, when so great a good is proposed by it. I have, Mylord, by this Fleet likewise taken the freedome and boldness in writing to Mylord of London, and the Secretary of State on this subject, whose letters contain

[the same] matter as this; and all I desire is, that in case what I have offered is agreeable with your reasons, and believe that it may be for the Queen's service, then that it may be laid before Her Majesty or otherwise, where it may be most proper, and if the Queen is pleased to lay any commands upon me, relating to what I have proposed, I will endevour to approve myself true and zealous for Her Majesty's service, and that I am.

My Lord,
Your Lordp's most obedient
humble servant
CALEB HEATHCOTE

9th Novr 1705.

On February 4, 1706, when the letter was referred to the board of trade, they promptly called before them John Bridger, who had been a special commissioner to investigate the opportunities for such industry in New England, and who had recently been appointed the surveyor-general of the woods.[9] Bridger, who knew little of New York and who seemed a rather jealous official,[10] dismissed the proposal as bare assertion without proof of the author's capacity or explanation of his plans: "I do with the result of my own experience, say it is impossible, and he cannot perform any one thing he aims at."[11] In consequence of this advice the board, through its secretary, William Popple, Jr., denied support to the project. The transmitting to him of English goods to the value of £450 for each ship, they said, would require the maintenance of a permanent purchasing agent in London, though why production on a scale such as to need full-time service would not have meant large saving to the government they did not

explain. They thought his reference to the necessary iron work to be sent over too vague for calculation.

They felt that manufactures even like rope and sails for Her Majesty's service were dangerous in the dominions, and desired the hemp and flax to be sent across the sea to England to be made up into the finished product. They had recently heard of the ominous growth of the textile industry in the homes of New York and were determined to set up no evil example of what could be accomplished on American looms.[12] They seem to have been impressed with Bellomont's report that New York, though fitter for growing flax and hemp than New England, could never in this form of agriculture compete with Ireland.[13] Heathcote and "his people," doubtless from the thrifty Huguenot town of New Rochelle, where linen manufacture had been introduced,[14] should be discouraged. A few years later land grants to German emigrants all contained a clause declaring the engagement void if the grantee entered upon the manufacture of textiles.[15] The board believed that the detachment of soldiers would create ill feeling among the men and confusion in expense accounts. Then, too, they said that the recent act of Parliament for encouraging the importation of naval stores[16] was designed as a general invitation to all persons whatsoever to promote that undertaking and for the crown to make special arrangements and concessions would by the appearance of favoritism defeat its purpose.[17]

In April, probably before he had received this dis-

couraging reply, he wrote a letter on the subject to Sir Charles Hedges, secretary of state,[18] and again in October addressed the board of trade, proposing to build frigates and fit out men-of-war at half the cost in England, sending estimates in detail;[19] but the creaking system of colonial administration did not readily respond to novelties, and no answer came. To Heathcote, as a man of energy, such lassitude seemed pitiable, and the argument against making sail-cloth in New York, as likely to reveal the possibilities of manufacturing to the unsophisticated colonists, seemed ludicrous. In a letter written to the board in the summer of 1708, he made an obeisance of respect, but with a traceably sardonic grimace:

Caleb Heathcote, Esq., to the Board of Trade[20]

My Lords

This comes chiefly to ask pardon for all the trouble I have given your Lordships in my severall letters relating to Naval Stores. What I aimed at chiefly therein was the service of my nation & I do assure yor Lordships (notwithstandg. I may have been otherways represented) is very dear to me, & wt in the first place I aimed at by my proposals was, to have diverted the Americans from goeing on with their linen and wollen manufactoryes, & to have turned their thoughts on such things as might be usefull & beneficiall to Great Britain. They are already so far advanced in their manufactoryes that ¾ of ye linen and wollen they use, is made amongst 'em; espetially the courser sort, & if some speedy & effectuall ways are not found to putt a stop to it, they will carry it on a great deal further, & perhaps in time very much to the prejudice of our manufactorys at home. I have been discoursed

with by some to assist them in setting up a manufactory of fine stuffs, but I have for the present put it by, & will for my own part never be concerned in yt nor any thing of yt nature, but use all the little intrest & skill I have to prevent it. In the second place I hoped & believ'd & am morrally assured, as to myself even beyond a doubt that I could have built & furnished the Crown with all the light frigatts that would have been wanted for this Coast & the West Indies, & that without putting the Crown to a new penny charge, nor do I believe I should have been many years about it. And besides these things I proposed many other very considerable & weighty advantages to Her Majesty and the nation, & that without asking or desireing a farthing more out of the Treasury, but to have done it only by the good husbandry on that which is, has been, & must be, unavoidably expended; but since your Lordships have not thought fitt to enable me to try the experiment, I am content, & do not send this to presse or urge that matter any further, but to ask Your Lordships pardon for the freedome I have taken, & that I may not have the misfortune to be under yor Lordships frownes, but have the honr and happinesse to be, My Lords,

Your Lordships most obedient
humble Servant
CALEB HEATHCOTE.

New York Augst
ye 3d 1708.—

To the right Honble the Lords
Commissioners for Trade and
Plantations.—Whitehall.

If some seven years later the governor read to his councillors a communication from those lords of trade, it must have amused Heathcote to discover that they had by that time got about to take some

interest in this statement on manufactures in America.[21]

Such had been the indifference of the English government that the colonel refrained for nearly four years from making any suggestions under the head of naval stores; his little "boom" for governor had come and gone and he was content to give attention chiefly, as we shall see, to ecclesiastical affairs. But during the autumn and winter of 1711–12, when as mayor he resided in the city, he was more and more impressed with the ineffectiveness of the naval protection of the port. Small French privateers equipped with auxiliary oars wrought havoc to the shipping, penetrating almost to Manhattan wharves themselves, while the unwieldy men-of-war of Her Majesty's service, such as the *Faversham* and the *Triton*, were outmanœuvred and eluded. The same condition was reported from Boston, Providence, Philadelphia, and Chesapeake Bay. There had been a state of war in America for twenty years, except for a slight cessation after the indecisive Peace of Ryswyck, and there was great reason to believe, he wrote in a memorandum to Governor Hunter, in March, 1712,[22] that during those years "the Crown hath never been at a less than £60,000 Sterling annual expence If not more, nor hath in all that time, & which hath cost the Queen £120,000 Sterling, been two Privateers taken that ever I heard of by any of Her Majesty's ships of war for all that cost, nor does it appear by Sad experience they are under any terror of the men of war by the swarmes which every summer infect

our coasts where they don't only take vast numbers of our ships & vessells by which they supply themselves & Relations with provisions but have taken the vessells in our Ports and plundered severall small Towns & villages of which there hath been many melancholy instances."

To meet this situation he suggested building a galley of about 140 tons' burden and carrying 12 guns, 30 oars, and 120 men to act as an auxiliary to one fifth-rate man-of-war. He believed if the guns, small arms, ammunition, rigging, sail-cloth, and iron-work could be sent from home, the work could be done for £400 sterling or less. As in his previous general plan, he desired that the command be in some hand agreeable to the merchants of the province, revealing that Her Majesty's naval captains did not have their fullest confidence. If such were allowed, he felt assured that the galley could be manned by recruiting in the port. Thus time as well as English sailors would be saved Her Majesty, who needed them both if the war were to be concluded. Much could be saved in wages, outfitting, and victualling, which could probably be done for £2,500, or a third of the usual cost for a fifth-rate frigate. If such expedients were taken up and down the coast the general maintenance cost could be cut in two.

The principal merchants and traders of New York joined in indorsing the mayor's "skem," and promised to keep the galley well manned and fitted if the governor could be given the right to designate the

officers.[23] The governor also gave his heartiest indorsement and furnished the papers to the board of trade, though he did not force the matter of the choice of officers. Hunter thought the cost quite negligible compared with the economies and benefits which might succeed from the experiment.[24] It probably occasioned some chagrin to him, but no great surprise, that nothing was done about it, and that the merchants of New York continued to suffer depredation until the Peace of Utrecht.

Since Colonel Heathcote's correspondence of 1708 the British ministry had set out upon an ambitious policy of naval stores production in New York by the labor of Palatine immigrants indentured to the government for a term of years. It was, indeed, an enterprise much easier to project than to support and administer, with thousands of workmen sent to lands adjacent to the Livingston Manor, quite in contrast to the modest and practicable experiments which Heathcote had proposed. The government, having provided a great labor force with hungry mouths as well as strong arms, soon lost interest, leaving Governor Hunter to work some miracle to furnish them with food, clothing, and shelter. In the meantime the colonel, still holding that small beginnings with slight aid were alone advisable, asked his friend the governor to loan him a few Palatine men for heavy labor, with women and children to help in making rope and sail-cloth, and to advance some funds to pay for the service of about a dozen Eng-

lishmen. With these he engaged to build as a demonstration a little boat of thirty tons, which would be useful as a harbor auxiliary.[25] He estimated that he could furnish ships of 30 to 100 tons at £1 10s. sterling per ton, with a gradually rising cost up to £3 per ton for those of 300 tons' burden.

Perhaps, as has been said, these estimates were problematical,[26] but it would have cost but little to try them out on the scale which their author suggested. If successful, he had plans for taking contracts for cleaning and reconditioning war-ships at a figure far below the current price. If he failed he stood ready to refund all money advanced, taking only the labor of the Palatines as the investment of the crown. Flax and hemp, he stated, could be raised and made up at less than £20 per hundred, as against the common cost to the navy in New York of £40 to £60; sail-cloth could be made for less than 30 shillings a bolt, "which hath & doth cost the Crown in this port from 4 to £6 Sterling; two inch oak Plank may be had and procured for 2 s. 6 d. to 3 s. Sterling the Hundred feet & other Timber & Plank in Proportion, Which hath and doth cost the Crown when Her Majesty's Ships have occasion thereof 7 to 9 s. Sterling." Colonel Hunter sent this paper with the others to the board of trade, but they pleaded lack of jurisdiction and referred the matter to the navy board, where it still rests.[27]

The following year he sent confidential suggestions to the chief minister of the queen as to contracts for pitch and tar, stating that if they were to be placed

in New York he knew of several gentlemen owning large tracts of pine woods who would immediately respond.

To the Right Honable. The Earl of Oxfford[28]

New Yorke November ye 27, 1712.

My Lord

I am ashamed at my being so oft troublesome to your Lordship, ffor wch. I do most Earnestly ask yr Lordships Pardon. The Occassion of It at this time is, my being not so full, & particular, in my fformer Letters relating to the Pitch & Tar designe, as I have since thought was needful, & wch. by a short scheme I have done herewith, setting forth what I believe 1200 tunns tar will cost the Crown delivered into the Queen's stores supposing the Trees to yield about ⅔ of what they do in Russia or Sweden, & Her Majesty employing store ships of Her own for that purpose. I am so very well assured I have rated every part full enough, & much higher than ever the expense, under a Just & Prudent management will amount to. As for the Trees wch. the Pallatines have prepared, they are about 70000 wch. are supposed may make 2400 tunns now. If a ffurther Preparation is made next Spring of half that quantity, & a number of hands sufficient to make up half those trees, next year wch. are allready prepared, & the other half the year following. Then those on wch. the Preparations are begun in May or June next will be ready to worke upon after the last half of those already prepared are made into Tar & [if] Care is taken in Continuing new Preparations Every Summer, they may have a succession of trees [sheet torn]. I have my Lord seen an Act of Parliament werein an Encouragement is given of [?] shilling a barrill payable to the Importer ffor every Barrill of tar brought into Great Britain from North America. I cant help believing it would be much more ffor Her Majestys advantage & the nation rather to have

the tar & pitch contracted for there & to be fetcht home by the Queen's store ships, for I doubt not that ffor 10s or a very small matter more, the Crown may in a few years agree by Contract for what quantity they please, espetially If it is found, that the method of preparing Trees answers anything like what they do in the Baltick, or Russia, there being several Gentlemen who have large Tracts of Pine woods, who only wait to see the success of that Experiment, when they intend likewise to fall upon it. I have likewise by a short scheme presumed to lay before your Lordship, what tar would cost the Crown by this method, supposing the Queen to pay 12 s sterling a barrill in Brittan for each barrill of tar at a Convenient Landing, in her dominions here; If what I have offered herewith, or if any of my fformer Letters meets with your Lordships aprobation, I am ready, and can make still further Discovery to your Lordship ffor Her Majesty's service. I shall not now be further troublesome, [but] only beg that what I have said in this, & my other Letters may not be known to come from me, Lest it should be prejuditial to me in my Private Interest—I am my Lord with all imaginable Regard,

My Lord

Yr Lordships
Most Obedt Humble Servt
Caleb Heathcote

Apparently there was no answer; but still he was not silenced, as was evidenced in a letter of January 19, 1715.[29] In this he reminded the government that for fourteen or fifteen years he had considered a scheme to supply the navy with stores cheaper than they could be had from Denmark, Sweden, Russia, or any other foreign kingdom. He now proposed that twenty-eight men be detached from each of the in-

dependent companies of regular soldiers in the province, whose labor he might direct, and that he be allowed to draw a hundred pounds a month to erect sawmills and other buildings, as well as procure the needed equipment. With this capital he was to produce ships and stores. If upon trial the scheme proved practicable, hands should be sent from England in any number that the industry in its development required to work as government servants, with the prospect of honorable discharge after four years' faithful labor. He laid down rules for their treatment, so that the service might be tolerable to them as well as valuable to the nation, believing that four years' indenture to the crown in payment for passage money and a final outfit might be made as attractive as the same customary period in service of a private master.

That his plans concerning naval stores production were not narrowly conceived is well shown by a series of letters which he wrote in the summer of 1715 to Governor Hunter and Lord Townshend, the Secretary of State for the Northern Department, in the new Whig ministry of George the First. In following the argument it is necessary to recall the situation of the frontier in 1715. Treaties and declarations of war as they were made in European chancelleries did little more with regard to hostilities in America than to mark off periods of slight abatement in the general conflict. Merchants might find some relief in respite from French privateers, but frontiersmen found that the friction of the international contest for the fur

trade kept the Indian tomahawk well sharpened. In Virginia and the Carolinas, for example, it was a matter of indifference to settlers suddenly attacked by the Catawbas, the Tuscaroras, or the Yemassees, whether or not the house of Hanover and the houses of Bourbon were technically at peace, just as it was to the pioneers along the Kennebec.

The colonel recognized that vigilance must be increased and that it must recognize a common interest. New England had, during the middle decades of the seventeenth century, joined all its energies and counsels, and as a result had given a serious blow to the Indian power of that region in King Philip's War. But for the most part each colony up and down the coastal plain had dealt in jealous isolation with the savages who lived within its borders or near by, each with its own particular policy and method. To concert attacks against the French there had been general conferences, like those convened by Leisler or by Vetch and Nicholson, but in recent years there had been no common counsel on Indian relations as a far-reaching problem in the task of conquering a continent. There was in Heathcote's observations on that subject much originality as well as sense, and not a little vigorous English idiom. In his second letter to Lord Townshend he shows how his plans for naval stores production had borne directly on the larger matter of defense. The letters are worth reading as illustrations of what kind of shrewd advice an earnest and intelligent American could give the ministers at Whitehall in the early years of that

period of colonial neglect, a neglect that from the standpoint of the British empire certainly was not salutary:

Colonel Heathcote to Governor Hunter[30]

Scarsdale July 8th 1715.

May it please Yor Excellency.

The last post brought us the unwellcome newes of the French haveing with a considerable force entered the Onnondagoes country where they intended to erect a Fort for hindring our trade or communication with the Indian Nations & was told your Excellency was going up to Albany with all imaginable expedition, to prevent the ill consequences thereof. I do very heartily wish your Excellency all the successe therein, you can desire; but it must be very plain that the French would not have come on that errand had they not first debauched the Indians and been sure of them. It is undoubtedly by the management of the French that the fire is kindled in Carolina, & they'le not be wanting of their endeavours to spread the flame through the whole coast, of wch your Excellency will be better able to forme a judgement, after your conferrance with the Sachems; and as 'twill undoubtedly be found that the mischief is intended general, so I do humbly beg leave to offer your Excellency my opinion thereon, & leave it to your Excellency's consideration & better judgemt. As, whether it would not be very proper with as little losse of time as may be, for your Excellency to desire a meeting or congresse at some convenient place, of all or as many of the Governours on this Continent as can with conveniency come & attend it; were it may be considered of & resolved on, what measures to take for extinguishing the fire allready begun, & to prevent its increase; for as every part of North America is struck at, so all our interests are the same, & what number soever is

wounded or hurt, the whole ought to reckon themselves agrieved, and not carelessly suffer the French to angle us away, province by province, till at last all will be gon; and as it is impossible that we & the French can both inhabit this Continent in peace but that one nation must at last give way to the other, so 'tis very necessary that without sleeping away our time, all precautions imaginable should be taken to prevent its falling to our lotts to remove; & when your Excellency and the rest of the Governours have mett & considered what steps will be most fitting to take, it would then I humbly suppose be very desirable that some person be sent home to lay their thoughts before His Majesty, & to sollicit such assistance as may be thought needfull; and as by the present view of things the whole Coast on a breach with France apears to be in danger enough, so could all the governments be brought to reason & to believe themselves as they really are to be but one family, & untill the tryall is over & 'tis known whether North America must belong to the French or us, that besides the bare subsisting themselves they would devote their persons and estates to end the dispute, by resolutions of this kind they might rest assured of all necessary assistance from His Majesty thoroughly to accomplish the worke. But if the old rules are still put in practice, & those who are not imeadiately concern'd will, like sheep, only stand gazing on, while the wolff is murthering & distroying other parts of the flock, it will come to every ones turn at last.

If your Excellency thinks there is reason in what I offer, than I am further humbly of opinion that the person who is pitcht upon to go home, should be dispatcht to gett there before setting in of winter, to give time for effecting his several negotiations, & as there is little expectation of any thing but war, that proper methods may be taken to frustrate all the designes of France next summer, when we may reasonably expect to be vigorously

attaqued by them on all sides. I do very heartily ask pardon for all the freedoms I have taken herein, assuring yor Excelly that I am

Your Excellency's most obedient
humble Servant
CALEB HEATHCOTE.

His Excellency Robert Hunter Esqr

Colonel Heathcote to Lord Townshend[31]

Mannor of Scarsdale July ye 12th 1715.

My Lord

I am sorrey that what I foretold in my private letter to your Lordship in March last proves a truth, as that the French had for some time & were then with great dilligence laying their designs with the help of the Indians, on the first breach, to cutt off and become masters of these parts of His Majesty's empire, & gave your Lordship my reasons for being of that opinion. It will be altogether needlesse to trouble your Lordship with any duplicate of that letter, because I sent the same by two severall conveyances & doubt not of its having come to hand. The perticular accounts of the Callamitys of Carolina your Lordship will undoubtedly have had from the Governour there, with much greater exactnesse than I can pretend to do it, but 'tis very certain that all those poor people are drove from their settlements into Charlestown and other fortifyed places and there starveing & in great distress, nor have I yett heard that the Governments on this Continent have done any thing for their releiff & assistance. Besides the flames wch have broke out in those parts, the fire is begining nearer us; the French haveing, as I am credibly informed, enter'd our Onondagoes country, with intent to build a Fort there, & cutt off our trade & communication with the Five Nations of Indians. Had they not very good assurances of debauching our Indians they would not have made so bold an attempt. What steps

are taken to prevent the mischievous consequences of it, your Lordship will undoubtedly receive by this vessell, wch, haveing been for some time out of town, is unknown to me; but that I might not be wanting tho' at this distance to do what good I could, I sent Coll. Hunter our Governour my thoughts by letter, of wch the inclosed is copie. I have as yet recd no answer from him, so don't know what conclusion he has drawn upon it, and the Man of War talking of sayling this week, durst not adventure to stop this longer. If any thing should be resolved on upon it, here, and afterwards att home, what ever directions are given to the severall Governments, it must be done in so full a manner that they may not dare to dispute His Majesty's orders; of wch we have formerly had examples enough. For when in King William's time the war lay wholly on this Province & Coll. Fletcher then our Governour obtain'd an order from His Majesty for Virginia, Maryland, Connecticut, & other Governmts to send men & money for our assistance, they all of 'em found ways to evade it; & the French who were no strangers to our Constitution, were allways so crafty, as not to suffer their Indians to make war on more than one Province or Collony at a time; & the others were so besotted, as all ways to sitt still. For when the French for many years pressed our Frontiers, our neighbouring government of Connecticut, whose towns lay as much exposed & seemingly in as much danger as ours, being unmolested, they refused giveing any assistance, & could patiently bear to see our settlement destroyd & people murthered, & when towards latter part of the war our Indians & those of Canada had agreed not to mollest either of the Frontiers, then the French made war on Connecticut, & we as kindly refused to assist them & satt quiett while their towns were cutt of & lay'd in ashes, & aboundance of their people killd & tortured: & after this unaccountable managemt on our side, the crafty French, who are but a handfull in com-

parisson of the English, on this Continent, have generally out done us.

My Lord, did I not aprehend our danger to be very great, & his Majestys subjects here on the brinke of ruin, by wch meanes these vast countreys wch in time would become by much the most vallewable jewells belonging to the Brittish Crown abroad, will be lost and destroyd, & yt the designes of France are very near being ripe for our ruin, I would not have presumed to have been thus troublesome to your Lordship, for wch I do very heartily ask pardon begging leave to assure your Lordship that I am with all imaginable regard, My Lord

Your Lordships most obedient humble Servant

CALEB HEATHCOTE.

The Right Honble the Lord Viscount
Townsend His Matys Principle
Secretary of State.

Colonel Heathcote to Lord Townshend[32]

Mannor of Scarsdale July ye 16. 1715.

My Lord.

The Man of War tarrying longer than he proposed, gives me the opportunity of presenting your Lordship with my further thoughts on the State of America, wch I believe to be exceeding dangerous, for the Indians under armes in Carolina are reported to be very numerous; some say they are 5 & other accounts 10000, & some, more, still increasing, & it is possible for them to become a very great army, there being prodigious numbers of them to the Westward of those Countreys; and if the French, with whom they have allready too good an understanding can keep 'em together & steady to their interest, North America must immediately arm itself, unite & be very vigorous, or the whole will be in danger. For if the French should send a fleet on this Coast next summer, wch in case of a breach with them we have too much cause to fear, &

effectuall measures are not taken to prevent it, the consequences thereof may be bad enough, the Indians &c remaining firm to them I suppose their first attempts will be on New York, that being not only a very valuable prize, but the town is poorly fortifyed, wch the French dont want to be acquainted with, who likewise very well know that the carrying of that place would cast a damp on all the Indians yet in our interest, & very probably make them revolt, and then all America will be in bad circumstances. I have been told my Lord that the reasons wch the Indians give for their breach with Carolina is the injustice wch hath been done them by taking away their land without being fairly purchased & paid for. They allso complain that their children, who were many of them bound out for a limited time to be taught and instructed by the Christians, were contrary to the intent of their agreement transported to other Plantations & sold for slaves; & I dont know but there may be some truth in what they alledge that I make bold most humbly to offer your Lordship my opinion thereon & do humbly suppose it might be very adviseable that in order to quench the fire already begun & prevent the like grounds of complaints hereafter, that His Majesty would be pleased with as little loss of time as may be, to direct all the Governours on this continent to send for the Sachems and Heads of the Indians in their respective governments, & having renued the Covenant Chain with them, as they call it, to make a strict enquiry into all their complaints & grievances, both in respect of their lands & on other accounts; assuring them of redresse, letting them know that 'tis His Majesty's expresse commands to have it so.

Something of this sort my Lord would be very proper to have done; that we may if possible keep the Indians quiet and in temper, till we have our country better settled & secured and the French rooted out, & then we may expect to have the heathen on better terms, altho' justice

ought forever to be don 'em. I am my Lord further humbly of opinion that America will never be well & effectually secur'd against the French & Indians, till a line of guarissons are erected on the frontiers of all the governments, to answer the line of settlements the French have for some time been, & are now, making from Missisippy to Canada. Now if ever it should be thought proper to errect such guarrisons, it would be very adviseable that in the placeing of them, a great regard be had in haveing 'em sittuated where it may be convenient for carrying on some branch or other of the Naval Store designe; so that if the manning of them well be found constantly necessary & the expence more than either Great Britain or America can conveniently bear, the men may be agreed withall to act in the nature of soldiers and labourers, being obliged to worke or carry armes as those under whose care they are shall think fitt to direct. By this method under good directions, the charge would not only be greatly eased, but perhaps mostly paied of, and it would be a very great encouragement to those who serve in those guarrisons if strict order & directions were sent by His Majesty to all the governours that no pattents for lands on the frontiers be given to great men, & in large quantitys, but in small parcells; & to such only as have served their country as soldiers, for their immediate settling. This would not only in time be a very great strengthing to His Majesty's dominions here, but we should have soon the advantage of the whole trade with the Indians & by that means fix them in our interest, the French not being able to supply them on such easy termes as we can. Had the Naval Store designe been approved of and pursued in the manner I proposed, and the men settled in those guarrisons for that purpose, it would have been I am humbly of opinion the most effectuall way to have secured those parts of these countrys allready in His Majesty's possession & in processe of time to have drove out the enemy, & had

twice the number of men been wanting for the designe as sett down in my scheme, the stores would still have come as cheap to the Crown as they now or ever will do, fetcht from forreign dominions; & was the charge thereof carefully cast up & examin'd into, it would, I am well assured be found so. But whereas I am told by a private hand that my proposals were no ways liked of nor aproved & believed to be impracticable, in wch account I am likewise confirmed by a generall sylence from all those I did my self the honr to write to on that occasion, I shall forbear being further troublesome by arguments on that subject; altho' my Lord I am still steadily of the same opinion I ever was of, that nothing could have been done with greater certainty & more for the honr & proffit of the Nation. But since those att helme are not of my mind, I very chearfully submitt to what His Majesty & the Ministry think most fitting to have done.

I have since my former letter by this conveyance recd the Governours answer to my letter, who tells me that the Governours can't meet or hold a congresse without expresse orders from the King, but that he had acquainted the Secretary of State with the misfortunes America lay under, & wonders that time should not have better provided, but that allso our numbers on the Continent vastly exceded theirs, yett we were in danger to be ruined by them. I hope if there is any prospect of war that His Majesty will be pleased forthwith to order a congresse of all the Governours & that the state of America will be so taken into consideration, as to have things settled in such order that we may not be allway a prey to the French and their intreagues with the Indians.

I hope Your Lordship will still be pleased to pardon this new addition of trouble & to believe that nothing but an uncommon concern & zeal to serve my prince & country would have made me thus presumptious; for there is not many who draws breath under the happy constitution of the Brittish Empire that more sincerely desires the

prosperity and welfare thereof, nor is more truly firm & zealous for the present establishment of its government then

My Lord,

Your Lordships most obedient
humble Servant
CALEB HEATHCOTE

To the Right Honble the Lord Viscount
Townsend, Principle Secretary of State.

With this he closed his correspondence on the subject of naval stores. Looking back upon it, the student of colonial history must regret that his modest proposals were not given a trial. Like many other colonial leaders of his time, he was a man of great energy and endurance;[33] and he was not a visionary, success having marked his enterprises from the start. The Palatine experiment was far too extensive for a beginning, even had it had consistent support from the ministry, and it is easy now to see that a better policy would have welcomed and patronized the efforts of substantial Americans made within controllable compass, though they did involve some incidental manufacturing. Thus New York might have developed a staple valuable to trade as well as to imperial defense. Its circumstances were more favorable than those of New England, on which some attention of the government had been bestowed in the hope of thus making that section more conformable to the colonial system; but with the passing of time it was neither of these regions, but rather North Carolina, that relieved Great Britain of dependence on the Eastland countries.

NOTES

1. *The Circle of Commerce* (London, 1623). An excellent discussion of the mercantilist theory in its effect upon colonial policy is to be found in the works of G. L. Beer, *The Commercial Policy of England Toward the American Colonies* (New York, 1893) and *The Origins of the British Colonial System* (New York, 1908), chapter III.

2. See, *e. g.*, Everett Kimball, *Joseph Dudley* (New York, 1911).

3. *N. Y. Col. Docs.*, vol. IV, p. 36. Bellomont's letters are scattered through the same volume.

4. Commissioners Partridge and Jackson had also recommended this; see E. L. Lord, *Industrial Experiments in the British Colonies of North America* (Baltimore, 1898), p. 13.

5. *Public Records of Connecticut, 1689–1706*, p. 524.

6. See S. E. Baldwin, "Early American Business Corporations," *American Historical Review*, April, 1903.

7. *N. Y. Col. Docs.*, vol. IV, pp. 1158–1161. Fletcher's Proclamation of 1695/6 (see Charles Evans, *American Bibliography*, Chicago, 1903, vol. I, p. 120), states that there were four companies in New York and Albany.

8. This is a very early use of the term "Empire" in this connection, though not the first; see on this subject J. T. Adams, "On the Term 'British Empire,'" in *American Historical Review*, April, 1922, pp. 485–489. *Cf.* a more specific reference near the end of Heathcote's letter to Townshend, July 16, 1715.

9. *Cal. St. P. Col.*, 1706–8, p. 83; H. L. Osgood, *American Colonies in the Eighteenth Century*, vol. II, p. 507

10. E. L. Lord, *Industrial Experiments*, pp. 9–14.

11. *Cal. St. P. Col.*, 1706–8, no. 118.

12. *N. Y. Col. Docs.*, vol. IV, pp. 1150, 1151; *N. Y. Doc. Hist.*, vol. I, p. 711.

13. *N. Y. Col. Docs.*, vol. IV, p. 315.

14. C. W. Baird, *History of the Huguenot Emigration to America* (New York, 1885), vol. II, p. 217.

15. *N. Y. Col. Docs.*, vol. V, p. 88; G. L. Beer, *Commercial Policy*, p. 76.

16. 2 and 3 Anne, c. 10.

17. Popple to Saunders, February 22, 1706, *N. Y. Col. Docs.*, vol. IV, pp. 1173–1174.

18. *Cal. St. P. Col.*, 1706–8, p. 323.

19. *Ibid.*, no. 523.

20. *N. Y. Col. Docs.*, vol. V, pp. 63–64.

21. Soon the assembly of New York was encouraging manufacturing by the grant of monopolies, *e. g.*, one to John Parmeter for making lampblack; see Governor Hunter to the Lords of Trade, July 11, 1712, *N. Y. Col. Docs.*, vol. V, 344, and Lords of Trade to Governor Hunter, June 22, 1715, *ibid.*, p. 413.

22. *N. Y. Col. Docs.*, vol. V, p. 307.

23. *Ibid.*, p. 306.

24. *Ibid.*, p. 304.

25. *Ibid.*, pp. 308–310, 313.

26. *Cf.* W. B. Weeden, *Economic and Social History of New England* (Boston, 1890), vol. I, p. 367.

27. *N. Y. Col. Docs.*, vol. V., pp. 333–334.

28. Treasury Papers, Class 1, Col. 154, No. 59, MS. in Public Record Office, London.

29. *Cal. Treas. Papers*, 1714–1719, p. 78.

30. *N. Y. Col. Docs.*, vol. V, pp. 430 *et seq.* Parkman in his *Montcalm and Wolfe*, vol. II, p. 57, quotes the last sentence of the first paragraph.

31. *N. Y. Col. Docs.*, vol. V, pp. 431–432.

32. *Ibid.*, pp. 432–434. See also index references to Heathcote in the *Journal of the Commissioners for Trade and Plantations* (London, 1920–1925).

33. Bellomont's plan to checkmate the French on the Mississippi is commented upon by H. L. Osgood, *American Colonies in the Eighteenth Century*, vol. II, p. 473. Robert Livingston had a scheme for taking Detroit, *ibid.*, p. 474. Governor Spotswood of Virginia and Governor Keith of Pennsylvania came to Indian conferences in New York in 1718 and in 1722, but complained of the insistence of New York as to holding all conferences at Albany; see *Pennsylvania Colonial Records*, vol. III, p. 93 *et seq.*, and *N. Y. Col. Docs.*, vol. V, pp. 565, 567.

VII

In which Caleb Heathcote, having found the ministry more ready to give him offices than to answer his letters, experiences no little trouble with New England.

T might easily be inferred from the apparent disinclination of the ministry and the board of trade to return any adequate answers to his proposals that Colonel Heathcote was regarded as a provincial upstart whose gratuitous interest in imperial administration made him more a nuisance than a valued aid. That such was not the case is clearly shown by his appointment on July 9, 1715—the very time when he was setting forth his sentiments on ministerial indifference—as surveyor-general of the customs for the northern department of North America.[1] In the same year, as if the government's confidence could not be too emphatically expressed, he was made a judge of vice-admiralty for the territory of New York, Connecticut, and the Jerseys. These sudden honors may possibly be taken as evidence of the hold of party politics upon the imperial system; the accession of George the First restored the Whigs to complete control, and the increased influence of the Heathcote family, notably that of Sir Gilbert, is doubtless reflected in this action. On the other hand, the appointment may illustrate the spirit of the board of trade, in that it was willing to reward the

author of a programme with honors and with responsibilities, in general unrelated to the issue, but lacked the enterprise to put the programme to the test.

As surveyor-general of the customs he had supervision over trade of the northern harbors inward and outward bound, but his concern with exports was chiefly to see that enumerated articles were cleared for British ports in bond or that the master paid a duty. Since, generally speaking, of such commodities only naval stores at that time left these ports, other important products being fish and horses, his labors were much less exacting than those of his colleague for the southern district. Yet he did direct the administration of seven or eight collectors, with their deputies, scattered along a thousand miles of coast.[2] He was the agent directly of the commissioners of the customs in London and thus under the treasury department, and paid out of the English treasury. Since the incumbencies of William Dyer and Patrick Mein before the "glorious revolution," this office had carried a compensation of a pound sterling per day, which excelled the pay of any New York officer except the governor, together with £50 a year for a clerk and £30 for a boat and four boatmen to row him about the harbor.[3] The last-named figure seems a little less than adequate, and so apparently the boatmen found it, for six years later, in the budget for the next surveyor-general, while other items were untouched, the sum of £80 was furnished for this purpose.[4]

The tradition of the office was, generally speaking,

one of unusual efficiency. Much of this was due to Edward Randolph, who had held it for a dozen years after 1691, during which time he stormed up and down the coast, more grimly determined and overbearing with the passing of each year.[5] He had found general evasion of the trade laws as ingenious as it was stubborn, and to correct it had developed as much efficiency as consistent with human nature under American conditions. The jurisdiction of the office had since been divided, the northern department corresponding to the old Dominion of New England, with the Delaware River marking the boundary on the southwest.[6] Heathcote's immediate predecessor, Maurice Birchfield, had aroused antagonisms, especially to the eastward, which so impaired his usefulness in that quarter that his transfer to the southern department had seemed necessary. It was claimed that one captain had seen his ship condemned because he had forgotten to give bond, according to the act of 1672, for a cotton-stuffed pillow in his cabin, and another for not declaring a hat which he was taking as a present from a lady to a lad in New York. A bridegroom from the town of Fairfield in Connecticut had borrowed a boat worth thirty pounds to go and get his wife and portion on Long Island, but having no clearance papers for this pleasant errand, had lost all but the lady.[7]

The office would not add to general popularity, but to this the colonel was entirely indifferent. He belonged, as has been noticed, to the party with imperial interest, and heartily condemned the particularist and republican spirit whose evidences he so

often saw about him. In New York the assembly had seen appropriations misapplied if not embezzled by the royal officers, and thus demanded that the appointed council should not be allowed to amend a money bill, and that funds should be expended only upon warrants from its own treasurer; Caleb Heathcote's name had stood the first among the councillors who signed a letter to the lords of trade complaining of such disintegrating notions.[8] As soon as he was notified of his responsibilities he wrote the lords of the treasury, giving his opinion on the charter governments.

Travels in the New England colonies had made him no stranger to their polity.[9] He recalled a rumor that Parliament was about to pass a statute breaking all such charter privileges on this continent, and he eagerly hoped the news was true, believing them the chief obstacle to His Majesty's interest in America. The next step should be the consolidation of groups of colonies for greater convenience in administration. Following that, a revenue should be settled by means of customs and excises over the whole continent, on the same plan as in England, which would, he thought, produce sufficient funds to meet all necessary costs of the civil service and of the ships of war assigned to guard the ports. Nothing could be more reasonable, he declared, than that all the plantations and dominions should, as far as they were able, be made to bear the expense that they occasioned, instead of lying like a dead weight on the nation already burdened with debts, of which they had in considerable measure been the cause.

Two million pounds had already been expended for naval defense along the shores. If the local assemblies should be reluctant to vote such a revenue, Parliament might reasonably do it for them, it being a mockery of justice that colonists should starve their civil officials on uncertainties, and that they should always take the service of the British navy and allow the realm to pay the bill. It seemed to him as needless as it was improper, when the whole wretched state of things might be corrected by one stroke and one so easy as the laying of a revenue on trade, "a burthen the people of Great Britain have always with great cheerfulnesse layd on themselves, and in what they never expect to be exempt from." [10]

Twice within three months he returned to the same theme.[11] His Majesty's service asked no more than a just support, but had to be content with much less. He himself was fortunately not dependent upon the bargaining of selfish and unpatriotic factions, but he saw the trying circumstances of many faithful servants of the crown. It would be a great satisfaction for governors and others, he assured the lords commissioners, to receive their bread from the hands of the king, without a slavish dependence on the uncertain humors of assemblies:

To the Right Honble. The Lords Commissioners for Executing the office of Lord High Treasurer of Great Brittan[12]

New York Jan ye 28th 1715/16

My Lords

I did myself the Honr to write your Lordships the 2d Inst. of wch the Inclosed is Copie, werein I Humbly offerd

my opinion, How, & by what means, the Intrest of the Crown relating to the Revenue, might best be advanced in these parts of His Majestys Empire, & I hope your Lordships will pardon me not only for the Length of that Letter, but this & such others, as I shall still have Occassion to Trouble your Lordships withal, There being abundance of mistakes, in the management of affairs, Relating to the Revenue, & other ways, wch. want much to be Regulated, whereby his Majestys Intrest is Greatly Hurt, the Treasury needlessly drained & Exhausted, & many of the services for wch vast summes are given, neglected & unperformed, & Things are wrong on so many Accounts, that tis not possible for me, to Contract what I have to offer in a narrow Compas & Expresse myself in such a manner, as to be well, & clearly understood by your Lordships.

I have My Lords oft wonderd, why measures had not long ere this been taken, to settle a Revenue & not only on this Coast but in all other parts of His Majesty's Dominions abroad, who having the happinesse to enjoy the like benefits & privelidge, in all the Acts of Trade, & Commerce, with His Majesty's subjects in Great Brittan, ought likewise by a Parity of Reason, & Common Justice, to pay their acknowledgments to the Crown, by a Duty on Trade, as is, & hath allways been done there. Was that established through all His Majesty's plantations, & the manner of laying it well considered Besides the great satisfaction in having all the Governors, & other officers, Receive their Bread, & support, from the Hands of the King, without a slavish dependence for it, on the uncertain Humours of assemblys,—there would besides a Handsome, & fitting allowance for those uses, remain a surplussage, under a just & prudent management greatly to ease & Lighten the Burthen of the Nation, & help free the Crown from that Heavy charge, wch His Majestys Empire abroad occassions.

Having my Lords spent some time to consider, of all such objections, as could with the least Culler of Reason be offerd, to obstruct the settlement Generally through all the Plantation, I can not as yett think of any, unless some of the Governments who are involved in Debt, should alledge their inability of paying them without being helpt by a Duty on Trade. If anything of that sort should be stated, it may easily be answered, by the example of this province, who have at the same time found out ways to discharge their debt, & support Government by a Revenue, & in case His Majesty should think fit to allow any of the other Collonys, the same ffavor, as was granted to this, of apropriating the Excise for a term of years, & strike bills of creditt upon it to wch if they likewise ad an easy land tax, and a small aditional Duty for the same time, striking bills of Credit also upon those funds, their Debts tho. never so heavy, may without any extrordinary Burthen to em be discharged. but as to a Revenue on Trade, it apears to be so much the Natural Right of the Crown, That it ought not to be medled withall, on any Account or Pretence whatsoever but for the Support of Governmnt & such other uses, as may save His Majestys Treasury att Home. I do once more very Heartily ask pardon, ffor the ffreedom I continue to take, & beg leave to assure your Lordships, that nothing but an uncomon zeal to serve His Majesty would have made me thus Presumptious, & that I am with all Imaginable Regard

My Lords
your Lordships
Most ffaithful & obedt Humble Servant
CALEB HEATHCOTE

Shortly afterward he wrote the lords commissioners again, following the same theme. He found the collection of revenue extremely troublesome where it was not quite impossible, confronted, as it

was, by notoriously unsympathetic assemblies, and sadly testified that most other officials bearing His Majesty's appointment in the northern colonies were in the same humiliating plight. He had sent a questionnaire to all his collectors, asking what pertinent data they could furnish from their experiences in order that his argument for a parliamentary statute might be made the stronger. He promised "to omitt no part, that may be a means, to give your Lordships a full and plain view thereof, by which your Lordships will be made sensible, in what a strange, & unaccountable manner things are at present managed, & established, on this Continent, & in many Respects how Contrary to His Majesty's Service & Intrest."[13]

He was not the first to propose an act of Parliament as a remedy for obstruction by colonial assemblies; as a member of Governor Hunter's council, for example, he had joined in the petition for such relief in the province of New York and had watched the board of trade prepare bills at three different times, though it fell out that the controversy as to appropriations that waxed so hot in little Fort Anne on Manhattan Island was settled by a local compromise not long after it became Fort George rather than by the interference of the London government. The action of the board in England had shown that in that decade of the eighteenth century Parliament was thought fully competent to pass a measure of taxation for the colonies.[14] But Colonel Heathcote was among the first, if not the first, to set forth a

design for a continental revenue to support defense, as well as general administration. The idea, however, was in the air, especially in customs houses; in a few months Archibald Cumings, the surveyor at Boston, outlined a similar plan, and later several governors like Sir William Keith, Cadwallader Colden, William Shirley, and Robert Dinwiddie took up the strain.[15]

With such sentiments as these he started out upon his round of duties and found difficulties in abundance. The situation in Massachusetts was not so troublesome, as that colony was under a royal governor. Yet even there he tried in vain to secure a compensation for the surveyor which would equal the sum paid in New York. But perplexities came thick and often in the colonies directly to the eastward of New York. Effective inspection of Connecticut trade as it was carried on, he found to be impossible, and he attempted to restrict the shipping to a very few ports, with the hope of finally concentrating all in the harbor of New London. It is doubtful if his programme could have been successful, so irritating was it to the skippers of the little craft that by long usage had put in at any cove on the coast or rivers; it certainly is not surprising that there proceeded a memorial from Hartford to the government in London vigorously protesting against those orders as oppressive. To Connecticut also he took a message of reproof from the commissioners of the customs for the neglect of its naval officers, as Birchfield had reported, to give any security to aid in carrying

out the navigation laws. He must have been surprised to find the governor, Gurdon Saltonstall, ready to make the suavest protestations of his government's fidelity to every letter of the statutes; "so we are especially concerned," wrote this elegant reverend governor, "that we should incurr this Censure with Relation to the Affairs of Trade, wherein we have been particularly carefull." [16]

This representation, let us say again, must have been something of a shock to the colonel, who had watched Connecticut practice for a quarter of a century. "The Governor and Company of His Majesty's English Colony of Connecticut" in actual fact went right on ignoring or defying the imperial law and policy with the same smug self-sufficiency as before. They laid duties of their own, obliging the king's subjects of the other colonies to pay them; they outlined by their own laws the direction that their trade might take, placing captains under bond to give these first allegiance; they set obstacles to the king's officers in the performance of their duty; and their citizens were not reticent in threats of much more personal attention.[17] Captain John Shackmaple, the collector at New London, spent a quarter of a century in alternate periods of expostulation and acceptance of the inevitable.[18]

But if the "charter colony" of Connecticut was smoothly insolent to the royal officers, its neighbor to the east was quite uproariously defiant. New London might be gaining prestige through her shipyards and her horse trade with the Caribbean

islands, but Newport was becoming the second trading town of all New England, with such prosperity that Rhode Island's independent spirit developed there to constantly increasing strength.[19] The situation found by the surveyor-general may best be set forth in his own report sent to the board of trade:

Caleb Heathcote to the Board of Trade[20]

Newport, Rhode Island, September the 7th, 1719.

My Lords:

It being incumbent on me to lay before your Lordships some laws and proceedings of the charter governments, which are of extraordinary nature, and, in many respects, hurtful to the prerogative and service of the crown, and contrary to the acts of trade, made for the plantations; in which, if they are not kept to a strict observance of, and made sensible of their dependence on Great Britain, as they are daily growing very numerous and powerful, so a neglect therein, may with time, be attended with very ill consequences.

I need not acquaint your Lordships, that notwithstanding they have oft received commands for sending home their laws, it has hitherto, in this government, been wholly neglected; and they nevertheless presume to put them in execution, though many thereof are repugnant not only to the laws of Great Britain, but even to the express words of their charter.

I shall instance some of them. One whereof, is a law for issuing bills of credit for £40,000, of which £30,000 was directed by the act, to be let out on land security, at up for five per cent; and notwithstanding, the interest arising from it was appropriated for repairing a fortification, by which this harbor is secured. Yet not a penny thereof (although 'tis near five years since that law was

made) has been applied or expended for that purpose; although the walls of that garrison are all decayed and tumbling down, the gun carriages rotten, and many of the guns lying amongst the rubbish; by means whereof, this place is exceedingly exposed to the insults either of pirates, or declared enemies; nor can the officers of His Majesty's customs be safe in putting the acts of trade in force, because on seizing of any vessel for illegal trade (being out of command), they may easily be carried off to sea, or made willing to be put on shore, and which hath been several times, and very lately, practices in the charter governments.

Another law was made in this colony, entitled "an act for establishing of fees"; by virtue whereof, the officers of His Majesty's customs have been most grievously insulted and abused; which occasioned my applying to the honorable, the commissioners of His Majesty's customs, and they took the attorney general's opinion thereon, who declared that the execution of such laws were just reasons for forfeiting their charter; and the commissioners directed me, and by their letter threatened the government with a scire facias, if they insisted on such laws, which I acquainted the Governor and Assembly by letter, withall, but without receiving any answer.

And can't omit humbly observing to your Lordships, that upon former complaints sent home, threats of that nature having been oft signified to these governments, and nothing further happening upon it, thus occasioned their abuse of that gracious indulgence, and has only been a means to confirm them in that absurd notion of their laws being sufficient in themselves; and to have no need of the royal assent to confirm them.

But I hope your Lordships will think of such measures, thoroughly to convince their presumption therein, and at least oblige them to send all such laws home; whereby any duties or imposts are laid on trade and merchandize

or any other, whereby they pretend to subject any of the officers of His Majesty's customs, to rules of their own making; for while they have a power (as they imagine) of making laws separate from the crown, they'll never be wanting to lessen the authority of the King's officers, who, by hindering them from a full freedom of illegal trade, are accounted enemies to the growth and prosperity of their little commonwealths.

And 'tis very wonderful to me, who am thoroughly acquainted with the temper of the people, that none of His Majesty's officers of the customs, have been mobbed, and torn in pieces by the rabble, and of which some of them have very narrowly escaped; an instance whereof, happened in this town, to the present collector, who having made seizure of several hogsheads of claret, illegally imported, and notwithstanding he had the Governor's warrant, and the high sheriff, besides his own officers to assist, and took the claret in the day time, yet the town's people had the insolence to rise upon them, and insult both them and the civil officers; and having, by violence, after a riotous and tumultuous manner, rescued and possessed themselves of the seizures, set the hogsheads ahead, and stove them open, and with pails drank out, and carried away most of the wine, and then threw the remainder into the streets.

This tumult was no sooner over, but one Mr. John Wanton, who uses the sea, and is master of a sloop, a magistrate, of the people's choice (as may be reasonably supposed), for keeping up the rage and humor of the mob, did immediately issue out his warrant for apprehending of Mr. Kay, the collector, under pretence of his taking other, and greater fees for clearing of vessels, than the laws of this colony allowed of (and which amounted to only two shillings sterling); but the matter being fully examined before the Governor, and it appearing that he had taken no greater fees than above mentioned, and which

had always been accustomary, and that the prosecution was maliciously intended to expose the collector, he was dismissed. But Mr. Wanton not satisfied with what the Governor had done, and being willing to ingratiate himself amongst his neighbors, who had so lately advanced him, issued out a second warrant for the very same fact; and to magnify his zeal on that occasion, had him arrested, and taken into custody in the custom house, while in his duty, and thence hurried him away, amidst a crowd of spectators, refusing to admit him to bail.

These are such unheard of proceedings, as will, I humbly suppose, induce your Lordships to believe that such a person as Mr. Wanton is unworthy of authority, under color whereof, he so highly abuses and discourages the officers of His Majesty's customs in the discharge of their duty.

I most humbly beg your Lordships' pardon for the freedom I have taken in writing so long a letter, it being not possible for me to have given in fewer words, so clear and full a view of the crown's sufferings by the contempt and ill usages of His Majesty's officers, and which are chiefly owing to that unlimited power, the charter governments lay claim to, of making laws, and requiring an obedience to be paid to them, before their first passing your Lordships' approbation, and had the royal assent; a misconduct, I humbly hope your Lordships will be pleased to have redressed in such ways, as in your great wisdom shall be thought most proper; there being nothing I have so much at heart, as to serve His Majesty in the best manner I can, and on every occasion to approve myself, my Lords,

Your Lordships' most faithful and most obedient humble servant,

CALEB HEATHCOTE.

To the Right Honorable, the Lords Commissioners for Trade and plantations.

The colonel's exasperation with the "charter colonies" had lately been increased by another contact with Connecticut. In 1718 he was, with certain others, made a boundary commissioner to co-operate with representatives from that colony in running their common line. The two commissions met at Rye, but the New Yorkers thought the Easterners evasive. Heathcote and his colleagues considered that their business was to determine a satisfactory boundary and to clear up the Rye matter once and for all, but the others pleaded lack of any such authority, and somewhat tartly stated that all that could be done was to perambulate the line of 1683. There was probably an honest difference of opinion, but the report to Governor Hunter at Fort George showed the resentment which his agents felt. It seemed to them but another evidence of Connecticut's obstinate selfishness. The matter dragged on for a dozen years and was finally compromised in 1731.[21]

In 1715 Caleb Heathcote was appointed a judge of vice-admiralty for New York, Connecticut, and the Jerseys, in succession to Roger Mompesson, who had held the office since 1703.[22] A man with his high notions of the king's prerogative might be expected to provide some scenes for history in this court, which took up all cases arising under the obnoxious navigation laws and decided them without a jury; throughout the first three-quarters of the eighteenth century such judges usually had to stand before the sharpest shafts of controversy that keen-minded colonists

could fashion. But there is no record of his ever having actually served upon that bench; a commission to Richard Morris, a half-century later, in 1762, cites as precedents those to Mompesson and to Francis Harison, who was appointed after Heathcote's death, but says nothing of the incumbency that intervened.[23] On the other hand, we have the evidence of the colonel's appointment in the correspondence from the British admiralty office addressed to Heathcote with this title.[24]

It seems at first a mysterious transaction, but the curious student finds the explanation in a situation fairly characteristic of that complicated accident, the British Empire. There seem to have been two currents of admiralty authority in the province: the governor of New York was given power from the lord high admiral's court to be a judge of vice-admiralty, which power he might deputize; at the same time a commission might be made out independently by the same authority in England to some other person.[25] Caleb Heathcote succeeded by such direct appointment when Mompesson died, in 1715, but Governor Hunter at the same time designated Chief Justice Lewis Morris to hear the cases of that court, and it was he who actually attended to the few that were presented.[26] The confusion of the "system" is further illustrated by the fact that the active successor in 1721 was the High Admiralty Court's direct appointee; those who next took up the actual responsibilities in 1736 were commissioned by the governor, while the officers with commissions

from London, like Heathcote, found them empty compliments.

NOTES

1. Customs. Out Letters, vol. T, II, 16, MS. in Public Record Office, London, p. 251.

2. G. L. Beer, *The Old Colonial System* (New York, 1912), vol. I, p. 279.

3. Customs, Out Letters, *loc. cit.*; *N. Y. Col. Docs.*, vol. IV, p. 25; G. L. Beer, *Old Colonial System*, vol. I, pp. 284–298.

4. Customs, Out Letters, p. 382, notice of appointment Thomas Lechmere, May 1, 1721.

5. See H. L. Osgood, *American Colonies in the Eighteenth Century*, vol. I, pp. 162–163; C. M. Andrews, *Colonial Self-Government* (New York, 1904), chaps. I and II.

6. The collectors for West Jersey, New York, New England [Boston?], Piscataway, Salem, and Marblehead, Rhode Island, and New London are mentioned as in the northern department in a report of 1720; see C. H. Andrews, *Guide to the Materials for American History* to 1783 in the Public Record Office, vol. II, p. 223.

7. Captain Mulford's speech; MS. copy in library of the N. Y. Historical Society, Miscellaneous Papers, 1714.

8. *N. Y. Col. Docs.*, vol. V, pp. 292–296.

9. See, *e. g.*, Westchester Town Records quoted in Robert Bolton, *History of the Protestant Episcopal Church in Westchester County*, p. 4.

10. Caleb Heathcote to Lords of Treasury, January 2, 1716, *Cal. Treas. Papers*, 1714–1719, pp. 185–186. After the administration of Lord Townshend the office of the Treasury went into commission.

11. *Cal. Treas. Papers*, 1714–1719, p. 186.

12. Treasury Papers, MS. in Public Record Office, London, vol. CXCVIII, p. 79*a*.

13. *Ibid.*, p. 79.

14. See G. L. Beer, *British Colonial Policy, 1754–1765* (New York, 1907), pp. 37–38.

15. *Ibid.*, pp. 40–41.

16. On Massachusetts customs office see [A. C. Goodell, ed.] *The Acts and Resolves of Massachusetts*, vol. II (Boston, 1874), pp. 67–68; I am indebted to Mr. John H. Edmonds, State Archivist of Massachusetts, for this reference and for other courtesies. One of the most complete accounts we have of customs administration in America is that for Boston, printed in the *Massachusetts Historical Society Proceedings*, vol. LVIII (Boston, 1925), pp. 418–445. On page 444 is an incomplete official list for the whole northern department. On the Connecticut situation see Governor Saltonstall to the Commissioners of the Customs, New London, June 27, 1716; Connecticut Archives (MS. in State Library, Hartford), Foreign Correspondence, 1661–1748, vol. I, Document 134, page *a*, and Trade and Maritime Affairs, vol. I, p. 72.

17. Nathaniel Key to Secretary Popple, Nov. 24, 1718, *Records of the Colony of Rhode Island* (Providence, 1859), vol. IV, pp. 244–245.

18. *Connecticut Public Records*, vol. IV, p. 39; vol. V, pp. 191, 261, 292, 487.

19. W. B. Weeden, *Economic and Social History of New England*, vol. I, p. 554.

20. *Rhode Island Records*, vol. IV, pp. 258–260.

21. See *Report of the Regents of the University on the Boundaries of the State of New York* (Albany, 1877), vol. II, pp. 257 *et seq.*, p. 336; T. T. P. Luquer, *Notes on Colonial Boundaries* (Society of Colonial Wars, New York, 1915).

22. *N. Y. Civil List*, 1886, p. 236, 275, 276.

23. E. C. Benedict, *The American Admiralty, Its Jurisdiction and Practice, with Practical Forms and Applications* (1st edition, New York, 1850), pp. 83 *et seq.*, 87.

24. Admiralty Papers, MS. in Public Record Office, London, Out Letters, Ad. 2, 1051, p. 86, Letter of April 24, 1718, to "Caleb Heathcote, Judge of N. Y., Conn. & the Jerseys."

25. E. C. Benedict, *op. cit.*, pp. 65 *et seq.*, p. 80.

26. The records of the court of vice-admiralty seated

at New York are preserved in the Post Office Building, Broadway, New York City, and constitute probably the most serviceable collection now surviving of general law papers of the colonial period of American history. Proctors in admiralty were obliged to file their argument and evidence in written form, which was not the case with courts of other jurisdictions. The papers are in the custody of Judge Charles M. Hough, whose courteous aid in the preparation of these paragraphs in the text, the present writer is glad to acknowledge. Though Heathcote had not actually served, his death apparently brought about the reordering of the office, by which Francis Harison, the appointee of the British Admiralty Office, succeeded Lewis Morris, the appointee of the governor, as the acting judge. He served until 1731, when he was succeeded by an appointee of the governor; see *N. Y. Civil List*, 1886, Horsmanden's appointment, p. 276. Judge Hough considers the designation of Lewis Morris in his *Reports of Cases in the Vice Admiralty of the Province of New York* . . . (New Haven, 1925), pp. xxi-xxii.

VIII

In which Caleb Heathcote, against much stubborn opposition, advances the Church of England in the Province of New York.

IF Caleb Heathcote could read these pages he would, it is hoped, nod approval as he saw himself portrayed as a business man of many interests, an official of many responsibilities, a leading citizen, a landlord, a mercantilist writer, but were our narrative to stop here he would be sorely disappointed. He would protest that that which he regarded as his greatest work had been left out, so that he appeared but half himself; for if this man of steady purposes had one determination more sharply marked than others it was that the Church of England should follow the English flag, a safe, well-ordered polity, the decentest if not the only road to heaven. As an Anglican, even more than as an official or a manor lord, he represents the stiff persistence of old English ideals, even when transplanted to a wilderness. In some respects he was a typical American, such as his ready adaptation to new modes of commerce, especially in land, his unflagging energy and his zest for pioneering; in others, as in this, he seems a transitional figure. Really, however, his quality of religious zeal was quite as much American as English, and he fished for men among his neighbors, not to

add more glory to the establishment across the sea, but to make those American neighbors better men and women. Perhaps there is some significance in the fact that, like his colleague in this missionary labor, Colonel Lewis Morris, he was an Anglican of Cromwellian stock.[1]

The province to which Heathcote came in the sixteen-nineties was settled, as we have seen, by Dutch, by New Englanders, by French, and others. It was not conspicuously pious, and yet was furnished with considerable spiritual guidance. There were thirty-five churches, if the count be generous in its standard; fifteen were Dutch, thirteen were of New England origin, four were French, two were Lutheran, and in the church within the fort a chaplain conducted the Anglican service for the garrison, the little knot of officials, and such few others as cared to come.[2] The Duke's Laws, the arbitrary scheme under which the New York government operated for nearly thirty years after the conquest, had declared that no minister could officiate without the governor's approval, having shown that he had been ordained by some Protestant bishop or ministers. The way was therefore open to all but Catholics, whose numbers never warranted a church organization, even had political considerations so allowed. To take care of church levies and assessments, the householders were to choose eight overseers, and these were to choose from their own number two churchwardens.[3] Peace prevailed among them all, apparently, for the community's views had been

well represented in the famous laws of 1683 drawn up by that legislature which the needy James of York had authorized and the affluent James of England set aside: there should be general toleration and certainly all existing congregations should enjoy full freedom and be reputed as privileged churches. When Governor Sloughter came in 1691 bearing the sovereign's permission for an assembly of freeholders, he soon had introduced a bill to settle a minister in every place of forty families; but the house, content with the voluntary system in religion and somewhat doubtful of the governor's purpose, rejected this and a subsequent measure quite similar in scope.

Such was the situation that confronted the new governor, Benjamin Fletcher, in 1692 and his young councillor, Caleb Heathcote, and to them it was a highly unsatisfactory situation, calling loudly for reform. To them a government seemed incomplete without the loyal support of an established church, and without it, in their eyes, society itself seemed quite disorderly; Fletcher's ideal, very probably, was the condition that Governor Spotswood was able to report some years later in Virginia when he wrote: "This government is in perfect peace and tranquillity, under due obedience to royal authority and a gentlemanly conformity to the Church of England."[4] Heathcote's ideal, as we shall see, went somewhat further.

It must be remembered that the English Revolution, recently effected, had greatly strengthened the

Protestant established church at home, and that this tendency reached more or less to the New World. In only one colony, Virginia, had the establishment been really a fact before this time, but now it was set up in Maryland and developed in the Carolinas. Every royal governor after 1689 was instructed to promote the church, under the general jurisdiction of the Bishop of London, who had come to be considered the metropolitan of the colonies, though no incumbent of that office ever crossed the sea to survey his charge.[5] In October, 1692, the governor, in harmony with this spirit, proposed a bill to provide a settled ministry in the province, but the assembly was indifferent.[6] About a year later, after much scolding and browbeating from His Excellency, it did pass a bill: "Whereas Prophaneness and Liscentiousness hath of late over spread this Province for want of a settled Ministry throughout the same"; but it was so vaguely worded that the governor tried long and earnestly to get it changed before he finally took it as the best obtainable.[7]

In the first place, it applied exclusively to the counties around the port, four out of the total ten in the province, specifying that "good and sufficient Protestant ministers" were to be settled, one in the city and county of New York, one in Richmond, two in Westchester, and two in Queens. The compensation of the clergy was to be set forth by law, one hundred pounds in money and produce for each of the two in Westchester, to be collected by vestrymen and churchwardens in co-operation with the county jus-

tices.[8] It was, we know, the intention of the governor's friends who framed the measure that it was the English church which should be established; the phrase "a good and sufficient Protestant minister" had that technical significance in England,[9] and the term "churchwardens" was not used in any other polity. They expected that with the governor's help their own interpretation might prevail. But all this was not apprehended by the assembly, only one of whom was of the Church of England. The law declared that all the former agreements made with ministers throughout the province would continue in full force and virtue. They understood from this that dissenters might choose a dissenting minister if they would. Governor Fletcher strove earnestly to get an amendment giving him and his successors specifically the right to approve and collate, and therefore to disapprove, all appointments to livings, but he failed to get it through the assembly.[10] They were willing only that some church be established in each settlement. In 1695 they resolved that such had been their understanding and thus the meaning of the law.[11] To this the governor replied that the assembly was but one branch of the legislature, that the governor and the council thought otherwise, and that the Church of England had actually been established.

There was no clear statutory warrant for any Anglican establishment within the province until the acts of 1697 and 1704 incorporating Trinity Church, but these, of course, provided for such general church

taxation only through the parish in the city. Under Bellomont the assembly passed a bill to settle a dissenting ministry when desired, but that governor, though but a lukewarm friend of the English church, would not countenance the measure;[12] indeed, bound by his instructions, as he was, to devote his efforts to encourage the national church, he could not safely have decided otherwise. For some eighty years the governors of New York exercised these functions that the assembly had declared it did not mean to grant. However conscientious its members may or may not have been, the executive government had been disingenuous. "Government by consent of the governed" was not a tenet of those gentlemen, whether the application be to church or to state; Heathcote later boasted that good shrewd management alone had made possible the establishment. "It was the most that could be got at that time," wrote Colonel Lewis Morris, "for had more been attempted, the Assembly had seen through the artifice, the most of them being Dissenters, and all had been lost." The act, this zealous churchman wrote, "without much wresting, will admit a construction in their favour as well as ours," and in 1711 he declared his belief that the English church "had at this day been in a much better position had there been no Act in Her favour, for in the Jerseys and Pensilvania where there is no act there are four times the number of Church men than there are in this Province of N. York." [13] It was a difficult law and for its enforcement much depended upon Caleb Heathcote.[14] Its

passage, however, was only an incident in his career as a churchman, which was already well under way.

When, in 1692, the shire of Westchester was put under his care as colonel and judge he took upon himself a responsibility for the moral and spiritual welfare of the three hundred families, more or less, whose homes then fringed that wilderness. As to their type and character, contemporary testimony is not altogether flattering. The jaundiced accounts of the Earl of Bellomont[15] may well be discounted; and it must be remembered that, since New Yorkers were dissenters forty to one, Anglican commentators like Chaplain John Miller looked upon them with an eye of prejudice.[16] When Colonel Lewis Morris wrote that "as New England excepting some Families was ye scum of ye old, so the greatest part of the English in the Province were the scum of the New," [17] he showed an incapacity to understand his neighbors to the east which afflicted New Yorkers for a century and a half. Yet here in Westchester, as well as elsewhere in the province, there doubtless might have been observed a frontier crudeness with a proportion of loutish and coarse-mannered folk sufficient to shock the sensibilities of a gentleman of good English breeding. In Westchester, too, as elsewhere, there were apostate Quakers, known as "Case's crew," and Ranting Baptists, Atheists, Deists,[18] and doubtless many like Mr. Justice Whitehead, of Queens County, who gave it as "his opinion that Religion was onely an Invention of cunning men to gett thaire living by." [19] Certainly the young colo-

nel who now came among them was not pleased with what he saw and, being the man he was, started immediately to put things right. In a letter long afterward, in 1704, he wrote as follows:

> Sir, being favor'd with this opportunity, I cannot omitt giving you the state of this county in relation to the church, and shall begin the history thereof from the time I first came amongst them, which was about twelve years ago, when I found it the most rude and heathenish count[r]y I ever saw in my whole life, which call themselves christians, there being not so much as the least marks or footsteps of religion of any sort. Sundays being the only time sett apart by them for all matter of vain sports and lewd diversions, and they were grown to such a degree of rudeness, that it was intolerable; and having then the command of the militia, I sent an order to all the captains, requiring them to call their men under arms, and to acquaint them that in case they would not, in every town, agree amongst themselves to appoint readers, and pass the sabbath in the best manner they could, till such times as they could be better provided; that they should every Sunday call their companies under arms, and spend the day in exercise, whereupon it was unanimously agreed on this, the county, to make choice of readers, which they accordingly did, and continued in those methods some time.[20]

This rattling of the sword struck some into a religious attitude, we know: at Eastchester, for example, Samuel Casting was chosen "to read the bibell and other good sermon-books, and so carion [carry on] the sabath days Exercises as according to our Honourable Caleb Heathcuts order unto us." [21] And

shortly afterward the people of Westchester, Eastchester, and "a place called Lower Yonkers" agreed to call a minister and Rye another.[22]

It is a common error to suppose that a strict regulation of behavior on the Sabbath was confined to Puritan New England. A glance at the statutes and court records of the other colonies would soon set this matter in a truer light; the seventeenth century was the seventeenth century, for example, in Virginia, where a man would be presented to the justices if he was seen carrying his tools or a gun or driving a cart on Sunday, or a woman if shelling corn.[23] In Maryland Governor Seymour catalogued the crime of Sabbath-breaking between those of adultery and perjury.[24] In North Carolina the man who worked a negro on the Sabbath stood in danger of £5 fine.[25] The short-lived assembly of New York under Governor Dongan, which King James abolished, had passed a bill against Sabbath-breaking in 1685, but its force as law ceased with the legislative body that had devised it.[26] Caleb Heathcote was no man to countenance slipshod practices in the proprieties of religion, and he joined his character as judge to that of colonel to insure that his county was not behind in this grave matter. Soon after he became presiding judge of the court of sessions, the governor, probably at his suggestion, issued an explicit order:[27]

Upon Complaint made to the Court Concerning Greate Disorders & Prophainnesse in this County upon the Sabbath days, And for Regulation & prevention of the same

—The Court orders That whereas the Publick Worshipp of God is much neglected, for want of Able Ministers to Instruct the People Every Sabath day and on such Publick days of ffasting & thanksgiveing that are apointed or shall hereafter be appoynted by his Excellency the Governour & Councill & Generall Assembly And whereas wee find that Severall places within this County are not in a Capassety to Maintaine a Minister whereby great Debaucheries & Prophainess are Comitted on the Lords day, and that Parents, and Masters of ffamilies doe not traine up youth & servts. in the feare of God and observeing his holy Comandments, although his Exellcy. hath taken speedy Care after his Arrivall for the supressing of vice & encouragement of vertue and observance of the Lords Day &c by his proclamation wch. hath beene published in this County yett very many takes noe notice thereof: Its Therefore Ordered yt. wth. in Every Towne precinct & Pattent within this County Due Observation of the Lords day shall be kept, and for want of an able Minister the Inhabitants shall Imploy a Reader to Read out of good Books two sermonds Every Lords day (that is to say) one in the forenoone betweene 9 & 11 a clock and one in the afternoone betweene two & four a Clock at such places as shall be thought Meet & Convenient by ye Inhabitants of such Towne Precinct & Pattent, att a Meeting ordered by the next Justices of the Peace, Provided that if the Inhabitants will not appoynt such place as aforesaid that then the next Justice of the Peace shall appoynt a place, And in Case any Person or Persons shall make derision or make any unseemely behaviour in the time of Publick Worshipp—That then the said Justice of the Peace of said place or precinct shall Committ all such deriders to the stocks one houre, Otherwise shall pay tenn shillings, to be Levyed by the Constable, the one half to ye Constable & the other halfe to be imployed, toward Relief of the Poore of said place.

Its alsoe Ordered that noe person shall sitt Tippleing in a publick ordinary on the Lords day upon Penalty as aforesaid or at other times on penalty as the Law directs, and that any Persons Inhabiting within this County shall not travill on the Lords day without permition & make known their Ocation to the next Justice of the Peace, upon Penalty as aforesaid. Likewise noe person or persons shall presume to goe a ffishing shooteing or hunting of horses[28] or any other Sports which makes breach of the Sabbath upon penalty as aforesaid Provided that this Order shall not prohibite any Stranger of meat & drinke for his refreshment on the Sabbath day.

Alsoe any Justice of the Peace wch. shall neglect or Refuse to grant his warrtt. to the Constable for Levying such fines upon the breackers of the Sabbath shall forfeitt twenty Shillings for every such neglect as aforesaid.

And that the Constable of every Respective Towne &c shall publish this Order in his Respective place precinct or Pattent, and Inspect & Give notice of all sabbath breakers to the next Justice of the peace on penalty as aforesaid for Every such neglect.

When the little communities of Westchester, Eastchester, and Lower Yonkers called their minister, it was a Mr. Warren Mather, a New Englander, as was likewise the minister invited by Rye; indeed, this was but natural, for, as Colonel Heathcote said, there were at that time scarce six persons in the whole county who so much as inclined to the English Church.[29] They had first asked him to find a pastor for them in his travels in the eastern colonies, which meant, of course, one of the prevalent Puritan church.[30] The western parish chose the colonel as

one of their churchwardens, hoping that he would complacently intercede with the governor to have Mr. Mather regularly inducted into the living. But they had misread their man. "I told them," he writes, "that it was altogether impossible for me to comply with their desire, it being wholly repugnant to the laws of England to compell the subject to pay for the maintenance of any minister who was not of the national church and that it lay not in any Governor's power to help them." [31]

No doubt he spoke the law as he understood it, but American practice had modified many an English law. Seventy years of New England precedent argued that a man of Mr. Mather's ecclesiastical standing could be made a settled clergyman under the English flag. Indeed, under the Duke's Laws the governor had had the right to certify an applicant who had been ordained by Protestant ministers as well as though by the hands of a bishop.[32] Heathcote proposed, he says as "a medium," a call to a Mr. Bondet, an English-speaking Huguenot then in Boston who had taken orders under the Bishop of London. Mr. Bondet, he said, as settled minister for the parish could give his special attention to his countrymen in New Rochelle, while the parishioners in Westchester could maintain Mr. Mather by subscription. In this there was a sort of pious cleverness, for the colonel thought thus to commit his neighbors to the principle of public support to an Anglican as well as by degrees to win the French Calvinists in New Rochelle to that communion.[33]

The vestry seemed to be extremely well pleased with this proposal, and desired me to send for Mr. Bondett, which I immediately did, hoping by that means to bring them over to the church; but Mather, apprehending what I aimed at, persuaded the vestry to alter their resolutions, and when he came, they refused to call him; so that projection failing, and finding that it was impossible to make any progress towards settling the church, so long as Mather continued amongst us: I made it my business, in the next place, to devise ways to get him out of the county, which I was not long in contriving, which being effected, and having gained some few proselytes in every town, and those who were of the best esteem amongst them, and being assisted by Mr. Vesey and Mr. Bondett, who often preached in several parts of the county, baptizing their children by these easy methods, the people were soon wrought into a good opinion of the church, and indeed, much beyond my expectation.

When Colonel Heathcote took up his dignity as mayor of this borough town of Westchester, the old meeting-house, where "Presbyterian" services had been held when opportunity offered for many years, was falling into decay. This was unseemly, and he therefore called a meeting of freeholders and inhabitants which dutifully voted to build a town house with a prison under it, the building also to be used for public worship of God; it was to be built "according to the dimensions made by Col. Heathcote." [34] When in 1702 the levy had finally produced the needed forty pounds the edifice was set up on the town green; like the early churches of old England and the first of the new, represented now by the venerable meeting-house of 1681 still used at Hing-

ham, Massachusetts, it was built of wood, quadrangular in form, with a high pyramidal roof surmounted by a bell-turret; before long the interior was wainscotted, ceiled, and seated, and the communion-table enclosed with rails and banisters. The only lack was the silver communion service, which had been lost at sea.[35] Mr. Mather having left, apparently, the colonel had to tolerate another Presbyterian, a Mr. Morgan, who came over occasionally from Eastchester to preach. Late in the year, however, there came the Reverend John Bartow, whom "my Lord of London" had despatched to serve the parish of Rye. Heathcote's efforts had borne fruit in the community, and one can almost see the glistening eye of pride as he writes of what took place:[36]

Mr. Bartow showed me the copy of a letter (the original as he told me, being sent to my Lord Cornbury) wherein you acquainted him that the Society were displeased for his settling at Westchester, being by my Lord of London sent for Rye, and that he should get a line or two from my Lord Cornbury, or at least from me, to satisfy him in that matter. I did in October last, give my Lord of London my reason for the necessity of his being settled at Westchester, the people in that place having been the first in this county who desired a minister of the church; and being disappointed, might have been of ill consequence, for no sooner was Mr. Bartow arrived, but ye vestry immediately came to me and gave me no rest untill I consented to use my interest with my Lord Cornbury to have him inducted there, and the inhabitants of Rye, supposing Westchester was the first to be supply'd, were easy in that matter, there being on the one hand no fear of dis-

obliging the people of Rye, and on the other great danger of hurting the interest of the church at Westchester; I desired my Lord Cornbury to induct him there, and what I did therein being intended for the best, I beg the society would not take amiss.

But perhaps the colonel was more the moving spirit than he thought it discreet to reveal, and perhaps the action of the vestry did not represent a wide-spread eagerness. At any rate, the incumbent found it difficult enough. "My great business," he says, as with a sigh of resignation, "my great business is to plant the church of England amongst prejudiced poor and irreligious people, who are more apt to receive than to give, who think it a hardship to pay their dues; and we dare not use the law for fear of bringing odium on the church, and on all occasions [they] expect to be civilly treated by the minister." [37] The majority of his vestry continued to be dissenters. His first glebe of a hundred acres, which Caleb Heathcote had gained for the church by petition to the Privy Council in London for the bestowal of a certain escheat, he found to be but wilderness which was of small value when the poorest labor for clearance brought three shillings per day; he had to sweat his own way through the brush to conquer enough for a garden.[38] Notwithstanding these trials, however, Mr. Bartow stuck manfully to his task, and twenty-three years of his faithful and patient ministration well carried forward the work that the colonel had begun.[39]

But the borough town of Westchester did not en-

gross the colonel's churchmanship any more than it did his interests in land and politics. Far more important to the holy cause was the proper provision for the city of New York. The vestries there under the act were made up chiefly of dissenters, since election was by the freeholders of the town, whereas we have seen the English church had little initial strength. They would have a minister of their own views or none at all, while the governor was quite as insistent on calling the Reverend John Miller, then Anglican chaplain of the fort. A year later, in 1695, the governor recommended the Reverend Symon Smith, a clergyman "of but an Indifferent Character," while he had hit upon the Reverend William Vesey, a New Englander, not then in English orders but willing to conform, to be his new chaplain. There seemed some prospect that the city vestry, though made up largely of dissenters, might agree. Caleb Heathcote was absent, but, he writes, "After my return to town, having a very good interest with the Governor, I was not long in making him sensible of his mistake, and the inevitable ruin he would bring upon the Church by it: whereupon he yielded to my proposals" that Mr. Vesey be inducted into the parish itself as soon as he had been ordained in England, to which, after protest and some browbeating by the governor, the city vestry acceded. So, if his own remembrance is to be taken at full value—it was written some eighteen years afterward—Colonel Heathcote bore a leading part in selecting the first rector of Trinity, whose incumbency of nearly fifty

years was one of the most notable in the history of the Episcopal Church. In 1697 a charter of incorporation was granted as to "The Members in Communion of the Church of England Established by Law"; this body enjoyed the public revenue as well as its own, and Trinity Church was started on its career in New York City.[40]

Colonel Heathcote had been the most active vestryman from the start of the movement and was among the "managers" who petitioned Governor Fletcher in 1696 for a license to buy land for the parish "without the north gate of the city betwixt the King's Garden and the burying place and thereon to build." [41] Of the committee formed in consequence he was chairman,[42] and he devoted much of his time from the beginning to the collection of the funds, within the province and outside, as well as consulting with the attorney-general as to the terms of a charter.[43] His committee negotiated for a "Convenient piece of Ground for the building of a Free School house In order a Petition may be prepared by his Excell for his Majts Grant thereof." [44] The grant as finally obtained was a portion of the Queen's Farm, so called after Anne's accession, and became the basis of the great wealth of the corporation, a source of revenue considerably more productive than the right to the drift whales found within the limits of New York jurisdiction, which the friendly governor granted them. It was Colonel Heathcote, apparently, who "pitched upon" the boundaries of the plot to be chosen. It was no accident that his name

was put first on the list of vestrymen set forth in the charter.

The work of the building committee was arduous and varied. It met formally on Monday afternoons and discussed its problems from the letting of contracts to furnishing drinks to the workmen.[45] The members took turns as supervisors of construction. Heathcote was chairman of the sub-committee to buy all wood materials, while others got the stone and lime, but before the work had far advanced it was "Resolved that Capt. Morris and Capt. Clarke doe speake to Coll Heathcote for all the lime he can furnish for ye carrying on of ye building and to purchase any other lime that they can get on Reasonable terms," so that his responsibility for materials seems to have covered all except the stone; upon the strong is laid the load. Like his colleagues and other citizens, he contributed heavily to this building and to the special funds, such as those for glazing and for the bell; even the Jews contributed toward the bell, possibly as the only item in the enterprise which they expected to enjoy. When at last he took his pew, directly behind the rector's, no one could look about him with more satisfaction than Colonel Heathcote.[46] To-day among the many-purposed multitude that surges and whirls through the canyons of lower Manhattan there may be some one now and then who stops to sweep his mind's eye over the scene long since blotted out by mountains of masonry—the rolling meadows and the country lanes winding near the little edifice of Trinity Church,

now represented by a noble successor once removed. Such an one might give a moment's thought to the determined colonel who did so much to make the church and parish possible.

But New York City, no more than the borough town of Westchester, exhausted Colonel Heathcote's churchly interests. He considered himself identified with the spread of authorized Christianity, or, in other words, with the English national church in general, and in this missionary zeal he found himself in harmony with certain movements of his time. When Doctor Thomas Bray returned to England after a short sojourn in America as a commissary, or bishop's representative, he published a pamphlet setting forth what seemed to him the spiritual destitution of the colonies; then, taking advantage of the interest thus attracted, he organized the Society for the Propagation of the Gospel in Foreign Parts, which began its monthly meetings in June, 1701.[47] It was the purpose of the organization, which soon won the title of the "Venerable Society," not only to propagate the Gospel among the Indians, but to maintain missionaries in those colonial communities which it believed insufficiently provided with spiritual opportunities, and to furnish libraries to these and other clergymen in service in America.

Much attention had been aroused by the recent conversion to the Anglican Church of George Keith, a Quaker preacher well known throughout the colonies, and it was argued that, if facilities were offered, considerable numbers of sectarians of all kinds would

be induced to conform and the colonies become more nearly like the motherland, with the national church in a position of power and authority rather than a mere denomination among others. As a clergyman put it, in writing from the province of New York to the secretary of the Venerable Society, it was "a great and glorious design of propagating the faith, and settling the church as well in this, as in others of Her Majesty's plantations, thereby rescuing them from the grossest ignorance, stupidity, and obstinacy; and therein righting them in those damnable and dangerous positions and tenets which have been imbued and instilled into those poor, unwary, deluded souls in their minority, by blind, ignorant, and illiterate guides." [48] Into this enterprise Colonel Heathcote promptly threw his energies and was made, apparently to his surprise, a member of the Society in 1704.[49] "To his efforts and to his means," declared an historian of the Episcopal Church, "does Westchester County owe nearly every one of her ancient parishes, now among the oldest in the United States.[50]

On moving to his manor he laid down his duties of senior warden of the church of Westchester, which he had performed for eight years, and shortly afterward assumed a similar station, which he was to hold for the same length of time, in the parish of Rye.[51] It was within this that his new home lay, a parish covering the eastern half of the county, and including Bedford and New Rochelle. If Westchester with its miscellaneous population had proved a somewhat stony soil for the seed of the English

Church, that of the town of Rye with its solid New Englandism was yet more stubborn. Along with much good conscience there was some looseness of behavior—swearing, drinking, and Sabbath-breaking—which added difficulty to the task the colonel had before him.[52] He had himself been chiefly responsible for deflecting a clergyman away from Rye when he settled the western parish, and this may have added to his sense of responsibility to set things right.

In 1704 he welcomed the Reverend Thomas Pritchard, "a promising young gent" sent by the Bishop of London with the aid of the Venerable Society. "He shall not want anything I can do for him, to make his pilgrimage easy," he assured the secretary, "nor any advice which I can give him to answer the end of his coming." [53] The colonel saw that this incumbent was offered the house which the community had maintained for a succession of Congregational pastors, and aided in the collection of church taxes for his support.[54] But the clergyman, for all his Cambridge M.A., proved a sad disappointment, and Colonel Heathcote had to write the secretary of the S. P. G. "how uncommonly unhappy and unfortunate we were in Mr. Pritchard, who had during his stay totally ruined the interest of the church in this Parish." [55] It was with ill-concealed relief that the colonel reported his death after a year in Rye.

But the next incumbent proved to be a man after his own heart, the Reverend George Muirson, "a sober, ingenious man," originally from Scotland, who

had been sent over as a schoolmaster for Albany but had been detained in New York and then returned to Great Britain for holy orders.[56] Colonel Heathcote had, of course, been instrumental in this selection, and was delighted to assure the secretary that all that Mr. Pritchard had lost was soon retrieved; some parishioners had told him that though they had had many ministers among them, they believed Mr. Muirson had done more good in six weeks than all they had known before.[57] The colonel joined the young minister in his endeavors, and succeeded in persuading the community to build a stone church; he was the chief promoter of the enterprise, and contributed all the nails and iron work.[58] A later pastor, writing an historical account, observed that, "In the year 1706, some extraordinary methods were used to induce the town to raise a tax for building a church," [59] but the imagination, strengthened by the memory of Colonel Heathcote and the militiamen in 1692, must supply what these methods may have been. At any rate, it was a great satisfaction for the colonel the following year to write the S. P. G.: "They are now busy in ceiling their church, and it is, I believe, the first country church that ever had that cost bestowed upon it; and I question not but we shall persuade them to finish it in all other respects decently and well." [60] This was the third church in whose building he had taken the chief part.[61] It is not surprising that the historian of the Episcopal Church in Westchester County should insert an engraving of this man as his frontispiece.

The colonel was now able to turn his attention to New Rochelle, where his protégé, the Reverend Daniel Bondet, had performed the offices of the church since 1695 in the French and English tongues, taking his reward recently, perforce, in the satisfaction of his conscience. He had at one time received a pension from Massachusetts in gratitude for his past good work among the Indians and one from the New York government as well, but because he signed a political paper disagreeable to the Leislerian faction both stipends were suspended at the instance of the Earl of Bellomont. Colonel Heathcote took up his cause with the new government of Lord Cornbury in 1702, and probably suggested the petition which the French clergyman submitted; at any rate, he moved in the governor's council that this good man be allowed a salary from the province funds and made out a formal report in support of his motion.[62] It was carried, but the promised sum was not regularly paid. He likewise urged the need of Mr. Bondet with the Venerable Society, and there, fortunately, with success. He then induced a considerable number of the inhabitants of the town to ask his advice and aid toward their general reception into the English Church,[63] and responded to their inspired petition with his usual efficiency, as is indicated in his letter to the S. P. G.:[64]

Manor of Scarsdale, June 13th, 1709.

Worthy Sir,

After I had finished my other letters, Mr. Bondet gave me an account by letter, that his people were in a very

good temper to receive and conform to the Liturgy of our Church, in their congregation, whereupon I went to New Rochelle, being accompanied by Mr. Sharp, Chaplain to the fforces, he being at my house, having yesterday preached and administered the sacrament at Rye. Mr. Bartow did us also the favour to meet us at Mr. Bondet's, and his congregation being desired to be at church, after the service had been performed by Mr. Bartow and a very good sermon preached to them by Mr. Sharp, the heads of their congregation desired Mr. Bondet to read and present me with a paper, returning me thanks for my endeavours in settling them in their religious affairs, which I send you herewith. Whereupon, those gentlemen of the clergy and I did advise them to address the Society, acquainting them with their resolution of conforming to the rules and discipline of the Church, to pray their assistance in supporting their minister and to send them a number of common prayer books in the ffrench language, which is here enclosed, and also an instrument in ffrench, being a declaration of their inclinations to conform to the rules of the Church. We all of us promised them not only to recommend them in the best manner we could, but also to prevail with Col. Nicholson and Col. Morris to do the like. I believe I need not use many arguments to persuade the Society to do what they can conveniently for them; for Mr. Bondet, besides his serving the people of New Rochelle, will be of great use in assisting the ministers of the other parishes, and not only that, but if these people are favourably received and encouraged, it will be a great means to influence the ffrench congregation in New York likewise to conform and I am not without hopes of effecting my desired end of having this county divided into three Parishes, by which means we should effectually shut out all secteries from ever crowding in upon us. I can hardly express how great comfort and satisfaction it is to me to see this work brought near so happy an issue and

for which I have been laboring in vain many years, and the only thing that obstructed it was, that the Government would not give us leave, and which was almost the only cause that none of your churches have throve better in this Province. The ffleet are just upon sailing and I am in a very great hurry in concluding my letters, but I must beg leave to refer you to my next and remain, worthy sir,

Your affectionate humble servant,
CALEB HEATHCOTE.

In 1710 Governor Hunter directed a letter to Colonel Heathcote and others licensing them to build a church in New Rochelle.[65] The colonel had already secured a town meeting to select the site, and had been pleased with its decision to build it near the "place des armes where the horse pound stands." [66] In August, writes Chaplain Sharpe, "Coll Heathcote came to us & we agreed abt the place for building the Church where after some interruption by Lewis Le Forgeson we began. Mr. Bondet laid the first stone S. E. Coll Heathcote ye 2nd N. E. Col. Morris ye 3rd S. W. I laid one by his & so we prayed God would prosper the Church of St. peters at new Rochelle." [67]

The colonel argued earnestly for another separate parish in Westchester County, but met determined opposition in the borough town, where the taxpayers reasoned that thus dividing the number of parishioners for each minister would add to the individual's burden of support, especially since the colonel coupled with his proposition another for increasing the amount of the stipend.[68] Indeed, as one exam-

ines the correspondence, the colonel's expectations do seem beyond the probabilities in a community where the English Church was suffered rather than earnestly desired:[69]

Westchester parish, which contains about sixteen miles in length, wherein there are three towns, in each of which is a small church (viz) Westchester, Eastchester and New Rochelle, besides a place called Lower Yonkers, and it being impossible that any one minister could take due care of all three places, and then consequently very hard that any people should pay to a minister it was morally impossible for them to have any benefit from; and Rye parish being under the like misfortune, I brought the towns in both parishes, except Westchester, to this result: that they should petition the Governor's Council and Assembly, that instead of two ministers of the church, there should be three appointed for the county, dividing the bread of life so equally that every town might have their fair and equal proportion; and when, with a great deal of pains, I had brought this matter to pass, and even whilst I was hugging myself with satisfaction of having finished my task in this county, to my wonderful surprise, I met with a violent opposition from six or eight narrow men of Westchester; this storm by degrees rose to that height that we were obliged to decline the matter; however, with the blessing of God, nothing shall discourage me, for I neither have nor shall be wanting in my best endeavor to preserve the people in a temper to receive the church among them.

He seemed concerned largely with the economic power of these parishioners rather than with their degree of willingness to pay:

and to satisfy you of the reasonableness in what I offer [he wrote the S. P. G.] I believe there has not been six

public taxes laid on this county by the Assembly this fifteen years past, but I have been at the proportioning of, and when the places in Rye parish pay 50 *l;* the towns in Westchester parish were alloted 120 *l* and there are two places more, which, both together, are one third as big as Rye parish, which are now in neither of them. And now I am on the subject, it comes in course to make out what I told you in my former letters, viz: that there is no parish in the government but what is able to pay twice as much as they do. For Rye parish which is not by one half so large as the least parish established by law in the government here, maintained two dissenting ministers, viz: one at Rye and Mamaroneck, and one at Bedford, and gave the former 50 *l* and the latter 40 *l* a year, which I think makes it out very plain what I have offerred on that head; and you may be assured that I shall omit no opportunity of serving the Society therein; but the work must be done, in great measure by the ministers taking pains, and bringing the people into a good opinion of the Church, for though the reason hereof is very plain, it must be a business of time to effect it.

His arguments did not prevail with his colleagues in the government of New York. The assembly had voted Eastchester a separate parish in 1700, but the executive officers for some time hesitated to carry out the provision. Yet apparently St. Paul's in that town is most indebted to Colonel Heathcote for its separate existence.[70]

He early became a "watch" for the Venerable Society, charged with the same responsibilities of survey and report as to the church in New York that were given Colonel Morris in New Jersey, duties which he accepted with eagerness, declaring that he

"should very joyfully embrace any opportunities of doing service to the church, and I bless God for it. I am not conscious to myself of ever having slipt one fair occasion therein, when government would give me leave." [71] He wrote of the difficulties of the clergy: of Mr. Urquhart, the Anglican incumbent at Jamaica, who was making a stout effort to hold the church which the great body of Presbyterians of that place had built for themselves; of Mr. Thomas, who had the Quakers to contend with in the town of Hempstead; of Mr. Mackenzie, whose work on Staten Island was of good report; of Mr. Bartow, a saintly man who nevertheless was somewhat ineffective in the labor of the church. He spoke of the missions to the Iroquois which the society maintained, but without approval: "As for my opinion in that matter, I think it is too heavy for the Society, to meddle with at present, and would properly lie as a burthen upon the crown, to be defrayed out of the reserve here. For their being brought over to our holy faith will at the same time secure them in their fidelity to the government; and not only that, but the Society will, I believe, find employment enough for their money in sending out missionaries amongst those who call themselves christians on the coast of America; which I find to be their resolution." Presbyterians and others who later accused the S. P. G. of exactly this disposition,[72] and were met with stout denial, could have used this letter to excellent advantage had they known its sentiment. The colonel maintained that if missionaries to the heathen must

be sent they should be those who learned strange tongues readily, as did the Scotch.

At first he was unstinted in his general praise of those who represented the Venerable Society in New York: "I must do all the gentlemen which you have sent to this province that justice as to declare that a better clergy were never in any place there being not one amongst them that has the least stain or blemish as to his life or conversation. . . . I omit no opportunity of inquiring into their behavior, both of the friends and enemies of the church, and they all agree as to the character of the gentlemen." Though too sweeping, there was much truth in this estimate. In Virginia and Maryland dissolute pastors might be tolerated, and in North Carolina men like the Reverend John Urmstone,[73] but where the Anglican church had to meet the exacting competition of the Calvinist institutions it presented the best men it had available. "We must be extremely cautious," wrote Archbishop Secker, "how we appoint new Missions where Presbyterians or Independents have Assemblies." [74] Some of the northern clergy not on the society's list might seem a little sporty to the modern taste, the Reverend John Sharpe, for instance, who was loath to let a week go by without attendance at a cock-fight;[75] but the Venerable Society sent missionaries of such good character that Heathcote thought their example excellent for the church. He had been chagrined at the taunts of the New Englanders as to many of the establishment who had been sent to America. "But

I bless God for it," he wrote; "the Society has robbed them of their best arguments, which was the ill lives of our clergy that came into these parts; and the truth is, I have not seen many good men, but of the Society's sending." [76] Yet the supply was narrow and deemed altogether insufficient by the colonel:

> I am told it is with a great deal of difficulty that any gentlemen are prevailed upon from any of the colleges to come over to these parts, and it is no wonder to me that it is so, for those who are ingenious men and regular in their lives, and qualified for doing any service here, cannot want preferment at home, [so] that [it would do] for a remedy therein, if it would be so ordered that such of the New England ministers as should be willing to conform, could be ordained here, it would not be by so great a charge, and one of them would do as much or more service in bringing home the people to the church, as the best divine which could be sent from home. If I am not misinformed the society allow those gentlemen which come over £60 sterling per annum, and her Majesty is pleased to give every one of 'em £20 to buy necessarys for their voyage. Now, was there only £20 laid out in proper goods for these parts, it would make £50 this country money, and pay for the extraordinary charge of insurance to prevent any risque in permitting it that way, which, with the allowance of the parishes here, would amount to £100 per annum, and would be a handsome benefice, enough for any who has had their education in Boston College, by which means these [three?] ministers might be supported, with the charge of one as it is now; nor do I believe there can be a more effectual way to do the work than by that method.[77]

The colonel advised that the missionaries be required to send in careful reports of the communi-

cants, church attendants, and dissenters, together with a record of baptisms every six months. He had a scheme for keeping these clergymen in the best strength for their holy labors:

> It would not likewise be amiss, that directions were given, that there should be four quarterly meetings of the clergy, annually, two in Westchester County, and Queens County two; these counties being contiguous; who by their preachings, resolving of doubts, and other ways, would not only be of considerable service, but might at those meetings, taking to their assistance the best of the people, consider of the best and most effectual ways to propagate the Church, transmitting to the Society an exact account of their proceedings at every meeting.— Sir, to be plain and free with you herein, if a more than ordinary care be not taken in these matters, to keep those gents to their duty, which are sent over, that they may carry on that great work with the zeal and earnestness they ought, the money which is expended thereon will be little better than squandered away, and in this I take my measures from what I have already observed, and if the Society are pleased to direct accounts, to be sent them for the time past, according to the rules I have laid down, they will find what I say to be truth.[78]

But it seemed to Heathcote that the colonial church could never flourish as long as it lacked a head of its own, a bishop who could recruit the clergy by ordination and admonish and control them in their offices. Anything else was a makeshift, and placed the church at a disadvantage in competition with such polities as were complete in America, like those of Calvinism. He was not the first to urge an

American prelate to replace the Bishop of London in the jurisdiction of the colonies, nor, indeed, the first to broach the matter in New York; the Reverend John Miller, fifth chaplain of the forces in the garrison, had written a chapter on this subject in his famous pamphlet of 1695.[79] But Colonel Heathcote seems to have taken the lead among the laymen of his generation in the long though finally futile effort to have the Anglo-American establishment so completed.[80]

In lack of a bishop to maintain purity of doctrine the colonel did not hesitate to offer himself as a champion of orthodoxy:[81]

> And as the Devil never wants his agents every where, so much about the same time, they begin to run upon the like strains in Westchester county, and two or three loose and riotous men setting up for reformers; these even raised a storm amongst us, and made all the best of the people uneasy, for which I very warmly opposing their proceedings, was immediately branded as an enemy to the Church, and a hinderer to its growth. Being sensible of the danger the Church was in, I firmly resolved to do all in my power, to prevent its ruin, and believing it then to be no time to take pet and leave her in distress, as her friends in Jamaica had done, I went to the Governor and did not only tell him my mind, but desired to see my accusers or accusations, which altho' I never was so happy as to obtain, yet I still continued the same method as oft as I heard any complaint was made against me, and by God's assistance and these methods, I prevented those violent reformers from gaining their ends, and prevented the Church's ruin and confusion there; but the trouble I underwent was inexpressible, and what I would not again

undergo for any other consideration whatsoever. After these storms were over, God be thanked, the churches grew and flourished, and we have three so well settled, that no dissenting minister of any sort can fix himself in any part of that county.

Yet with all the energy and determination that the colonel brought to these battles for the faith, he fought them, he declares, with reluctance, and as infrequently as could be managed. He attempted to persuade rather than to drive, or at least convinced himself that such was his disposition:[82]

By these easy methods, the people were soon wrought into a good opinion of the church, and indeed, much beyond my expectation; and the truth is, nothing is so agreeable to my natural temper, nor do I like any way in making converts so well, as by soft and easy means, in convincing men's minds, and satisfying them in all their foolish notions against the best of churches; for as those are not only most agreeable to religion, so they likewise do the work most effectually; for when anything of that nature is carried on with heat, loose and irreligious men immediately own the faith, and turn violent persecutors; being overjoyed of any opportunity to gratify their natural temper, and by the rigour of their proceedings, as well as their vicious lives, not only bring a scandal upon the church, but prevent its growth, for all men who have any sense of virtue or honour, and might be a means of their conversion to bring over many more, abhor to be directed by such guides; and indeed to do a work of this nature effectually, it ought to be managed with a more than ordinary care, and those on whom the conversion is to be wrought, in their infancy must be dealt with as much tenderness as children, for before they are well fixed

and rooted, the denying them a rattle or some indifferent trifle, very often makes them start, but much more so when anything very material and reasonable in itself is withheld them.

Violent and coercive measures in forwarding the church he deplored as worse than useless; when a governor employed them their character was still unchanged: "I should never [allow] the Government," said he, "to make use of an arbitrary and illegal power to serve either Church or State, which would not only leave the matter still doubtful, but instead of serving bring a scandal upon the Church; for that the warrant which my Lord Cornbury was pleased to direct to Mr. Cardwell, then High Sheriff of that County, to dispossess the dissenting Minister of the Parsonage house [in Jamaica], without any form or due course of law did the Church more hurt than can easily be imagined." [83]

In his capacity of "watch" for the Society for the Propagation of the Gospel, Heathcote gathered data for some estimates of population and church support. He reported in 1714 that the numerical strength of the province had grown to 45,000, but that frequenters of the English church were not more than 1,200 and the actual communicants not more than 450, counting all. He declared that "if an exact view was taken of all the people from the Western bounds of Pennsylvania to the Easternmost parts of the English settlements, it would be found that to every professed member of the Church there were 40 Dissenters." [84] This had long seemed to him

a situation so evil, so pitiful, that no human effort was too arduous or too costly to rectify it. He was aware that no miraculous conversion of the great mass was to be looked for and concluded that that generation was too far sunk in ignorance or stiffened into obstinacy to listen to any appeal of reason such as he believed the English church alone could make; the process must be slow and the beginning must be made with the plastic minds of children.

Shortly after taking up his residence at his manor of Scarsdale, in hope of a better future he planned out a school to be maintained by the church, where the rising generation might be taught. But his activity against infractions of the Sabbath and in favor of the new church establishment had made him for the moment unpopular in the county, and he postponed the development of his plan. "I had once formed the projection," he wrote in the spring of 1704, "for fixing schools in this country for the benefit of all youths therein, in order to their being trained up, not only in learning, but in their tender years to ingraft them in the church, but the storm which was lately raised upon me concerning church affairs, made me lay the thought of it aside for a while. However, if God is pleased to spare my life a little longer, I will, with his assistance set it on foot, and hope that it will be blessed with its desired effect." [85]

His life was spared, though this for a man of thirty-nine years is hardly to be numbered with the miracles, and later in that year he established his

school. Master Joseph Cleator, whom the colonel appointed as teacher, was a man well past fifty years of age who apparently had lived in the household at Scarsdale since it was set up.[86] The financial support of the school was obviously a matter of concern, though the colonel must have underwritten it at the start. In June he wrote a letter to the Venerable Society which indicates his purposes and his vision of the future:

I did in my last Acquaint you that I would put forward a School in Westchester County which I hope in a few months to inform you I have done, having the promise of an extraordinary good man for a schoolmaster, one who is not only very firm to the Church, but I am sure will be indefatigable to instill those principles into the youth and children, of whom the greatest hopes are, I believe. At first setting out It will be attended with some difficulties, that I beg the favour of you to move the Society, that they would be pleased (until such time as we are able to carry it on without help) to give us £16 a year, or what they shall think convenient towards maintaining of the schoolmaster, and I will take care with the blessing of Almighty God, to make it as useful as I can to the Church, and that satisfactory accounts shall be sent over, how the same is Employ'd and w[ha]t good is done for it and I pray you likewise, to move that some Catechisms and Prayer Books be sent over for the Scholars. Sir, The People of the Westchester County are more Genlly English than they are in any County of the Govmt & Altho' there is not at present above 2000 souls in it, yett it contains a very great Body of Land & generally the best I have seen in any of these parts. I believe that time will make it a Great Peopled County, that, were the Church with Schools well settled

in its Minority, It would in future ages bear no other ffruit.[87]

And really my Lord [he wrote the Bishop of London] when ye Society have been at never so much expense in sending Ministers, a full half of the work must be done by good Schoolmasters, to root & fix ye principles of the Church in our Youth.

After a few months Mr. Cleator went to England on private business, and while there was duly commissioned by the society with his stipend of fifteen pounds. On his return he resumed his school at Rye with sixty scholars, if the total were made of those whom, after the manner of the New England moving school, he taught in successive four-month periods at Rye, Bedford, and Mamaroneck. He served as clerk of the parish, and in both his capacities was warmly commended by his patron, who along with humbler parishioners listened to the schoolmaster read prayers and morning and evening lectures on Sundays when Mr. Muirson was away.[88] All these circumstances were no doubt very pleasing to the colonel, who had the satisfaction of starting the first church school in Westchester, and one of the first such enterprises of the Venerable Society, an important distinction when one reads the opinion of an historical student, now dean of a college of education, that the patronage of schools in America by this society formed the foremost philanthropic movement in education during the colonial period. If the early schools of New York were set up under the auspices of the church, so were those of New England. It

must be remembered that the civil government took no hand in the elementary education of New York until 1795.[89]

The school at Rye, with its primers and horn books as well as its Bibles and catechisms, went forward without serious interruption. Colonel Heathcote insisted on the fundamentals, as "there are very few who are able to spare their children's time more than to learn to read and write." [90] In order to reach some who could not join the daily classes the colonel set up a Sunday school,[91] some twenty years before the birth of the English reformer, Robert Raikes, who generally has the credit for inaugurating that institution. He also urged the S. P. G., and particularly his own schoolmaster, to provide instruction for Indians and negro slaves.[92] He advised that the society's schoolmasters, of whom a number were sent over to the province, should be paid in useful commodities rather than in money, and once, at least, insured such goods in transit out of his own pocket.[93] Solicitous as he was for the aid of the society in establishing schools—"nothing," said he, "is more wanting in America than help of that Nature"—he was strongly averse to pauperizing the American communities by extending any unnecessary charity; he recommended wherever possible cutting down the annual stipend of fifteen or twenty pounds from England to five or six pounds after three years, a recommendation which the society was glad to follow, "according to Col. Heathcote's Proposal." [94] While serving as mayor of New York he frequently

visited the charity school, and seems thus to have taken more interest in education than any other mayor during the colonial period.[95]

It scarcely needs be said that his interest in schools was as broad as the province, covering Long Island as well as the mainland.[96] With Colonel Lewis Morris he firmly believed that the church and civilization could be greatly promoted by establishing a college in New York, and he may share with his friend from New Jersey the honor of initiating a project which after many vicissitudes was realized in King's College and, later, Columbia University.[97]

NOTES

1. See *supra*, chapter I, and D. T. Valentine, *Manual*, 1864, p. 600.

2. C. W. Baird, "The Civil Status of the Presbyterians in the Province of New York," in *Magazine of American History*, October, 1879, pp. 594–628. "As to religion, we run so high to all Opinions, that here is (I fear) but little reall"; Charles Lodowick, "New York in 1692," *N. Y. Hist. Soc. Coll.*, 2nd series, vol. II, p. 244.

3. Inasmuch as Presbyterians or Congregationalists had acted under this measure, there was little force in Governor Fletcher's later argument that since the act of 1693 mentioned "churchwardens," it must refer exclusively to the English national church, which alone had officials so designated.

4. S. H. Cobb, *The Rise of Religious Liberty in America* (New York, 1902), p. 99.

5. It was natural that London should be the see selected, as that was the seat of trade as well as the general government; see H. L. Osgood, *American Colonies in the Eighteenth Century*, vol. II, p. 8.

6. The governor's first recommendation was on Octo-

ber 26, 1692, and was described as for "support and encouragement of an able Ministry and for the strict and due Observation of the Lord's day"; *Journal of Legislative Council*, vol. I, p. 25.

7. Osgood, *op. cit.*, vol. II, p. 9.

8. *N. Y. Colonial Laws*, vol. I, pp. 328 *et seq.* The compensation for the Westchester parishes was changed to £60.

9. See Morgan Dix, *History of the Parish of Trinity Church in the City of New York* (New York, 1898), vol. I, p. 86.

10. C. W. Baird's article, *loc. cit.*, p. 597.

11. *N. Y. Ass. Journal*, vol. I, p. 53, date of April 12, 1695.

12. *N. Y. Col. Docs.*, vol. IV, p. 536.

13. *N. Y. Doc. Hist.*, vol. III, p. 244. Heathcote's observations are contained in a letter to the Bishop of Bristol, February 25, 1715/6 (Hawks Transcripts).

14. H. L. Osgood, *op. cit.*, vol. II, p. 15. See also comment of H. T. Cook, *Borough of the Bronx* (N. Y., 1913), p. 180.

15. *E. g.*, *N. Y. Col. Docs.*, vol. IV, p. 520.

16. In *New York Considered and Improved*, edited by V. H. Paltsits.

17. *N. Y. Col. Docs.*, vol. V, pp. 322–323.

18. John Bartow to Secretary of the Society for the Propagation of the Gospel, December 1, 1707, quoted in R. Bolton's *History of the Protestant Episcopal Church in Westchester County*, pp. 15–19. The adherents of the apostate Quaker Thomas Case, called "Case's crew," among other things condemned marriage as an institution of the devil; George Keith, *Journal of Travels from New Hampshire to Carrituck* (London, 1706), pp. 76–77.

19. Deposition against Justice Whitehead, February, 1702/3, *N. Y. Doc. Hist.*, vol. III, p. 200.

20. Letter to Secretary of the S. P. G., April 10, 1704, Bolton, *op. cit.*, pp. 24–25. See *infra*, note 39.

21. Quoted in Stephen Jenkins, *Story of the Bronx*, p. 279.

22. Heathcote's letter, April 10, 1704, *loc. cit.*

23. P. A. Bruce, *Institutional History of Virginia in the Seventeenth Century* (New York, 1910), vol. I, chapter II.

24. N. D. Mereness, *Maryland as a Proprietary Province*, p. 441.

25. *North Carolina Colonial and State Records*, vol. II, pp. 365, 404, 411; vol. XXIII, p. 460, 461.

26. *N. Y. Colonial Laws*, vol. I, pp. 173 *et seq.* See also New York City ordinances in *Minutes of Common Council*, vol. I, pp. 27, 212, vol. IV, p. 78.

27. MS. Minutes of Westchester Court of Sessions, June 6 and 7, 1693, in library of N. Y. Historical Society (Leggett Papers).

28. Horses which escaped into the wild land bred prolifically. Horse hunts by the mounted youth made a favorite sport in Virginia and elsewhere. "They commonly turn their spare horses into ye woods, where they breed and become wild; and as they have occasion they catch up ye colts, and break them for their use. . . . A horse is sold for 2 to 6 pound." Charles Lodowick, "New York in 1692," *N. Y. Hist. Soc. Collections*, 2d Series, vol. II, p. 245.

29. Heathcote to the Secretary, April 10, 1704.

30. Letter of January 2, 1692/3, *Ecclesiastical Records of the State of New York*, vol. II, p. 830.

31. Heathcote to the Secretary, April 10, 1704.

32. *N. Y. Colonial Laws*, vol. I p. 25.

33. Letter of April 10, 1704.

34. Westchester Town Records, Liber V, Entries of May 3, 1697, and June 8, 1700; the building was 26 feet square and 16 feet to the peak of the four-sided roof. There were six windows five feet square. It was constructed for about £33. Apparently the prison was built separately.

35. John Bartow to S. P. G., December 1, 1707, quoted by Bolton, *op. cit.*, pp. 15–19. See *infra*, note 39.

36. Heathcote to the Secretary, April 10, 1704.

37. John Bartow to S. P. G., April 11, 1711, in Bolton, *op. cit.*

38. *Acts of the Privy Council*, 1680–1720, no. 857; John Bartow to Mr. Whitefield, Nov. 2, 1702 (Bolton); *N. Y. Col. Docs.*, vol. V, p. 323.

39. David Humphreys, *Historical Account of the Incorporated Society for the Propagation of the Gospel in Foreign Parts* (London, 1730), p. 202. The society was frequently referred to as the S. P. G.

40. Caleb Heathcote to the Secretary of the S. P. G., June 13, 1714; *cf.* H. L. Osgood, *American Colonies in the Eighteenth Century*, vol. II, pp. 16–17, and Morgan Dix, *History of Trinity Parish*, vol. I, p. 82.

41. *Cal. N. Y. Hist. MSS.*, vol. II, p. 244, and *Memorial History of the City of New York*, pp. 500–506.

42. Most of our account of Colonel Heathcote's relation to the inauguration of Trinity Church and its building is drawn from the MS. Minute Book of the Vestry, vol. I, 1697–1791, and the Minutes of the Building Committee, 1695——, written on separate sheets, both having been courteously opened to the author by Mr. W. F. L. Aigeltinger, the clerk of the parish.

43. On January 27, 1695/6, the committee reported that they had "already gott to the volume of four hundred & seventy pounds or thereabouts, and that there is a prospect of further Incouragement."

44. See entries of July 27, 1696, and May 31, 1697.

45. Sometimes the drinks were furnished by the contractor instead, as in the following item: "Mr. Westerton and Mr. Prosser attending without were called in and agreed to work Masonry work on the Steeple at Six Shillings and Six pence pr day & find themselves drink and to find Labourers two Shillings and three pence and to take of Mr. Prosser fifty load of Lime at the market price," April 16, 1711, p. 81 of the Vestry Minutes.

46. In 1698, as we have seen, he inherited Governor Fletcher's pew. He did not retain his place on the vestry after removing to Scarsdale, but resumed it when he returned to the city as mayor from 1711 to 1713. He ap-

parently retained his pew, however, as it was bequeathed to his widow and his son Gilbert.

47. The charter is printed in David Humphreys, *op. cit.*

48. Thomas Pritchard to Secretary of S. P. G., June 6, 1704, in Bolton, *Protestant Episcopal Church*, pp. 141–142.

49. C. B. Wheeler, *The Heathcote Manor*, p. 14, erroneously calls him the first American member; this honor, the S. P. G. records show, belonged to Lewis Morris, who was in England about the time of the society's formation. Among the prominent members of the first decade were Francis Nicholson, Joseph Dudley, Robert Hunter, Nicholas Trott. Heathcote began his correspondence with the society as early as September, 1702 (see Hawks Transcripts).

50. Robert Bolton, *Protestant Episcopal Church*, p. 152.

51. *Ibid.*, pp. 127, 352.

52. George Muirson to Secretary of S. P. G., Jan. 9, 1707/8; Bolton, *Protestant Episcopal Church*, p. 181.

53. Heathcote to the Secretary, April 10, 1704, *loc. cit.*

54. C. W. Baird in *Magazine of American History*, Oct., 1879.

55. Heathcote to the Secretary, Feb. 26, 1704/5. Mr. Pritchard preferred to live in a public house in New Rochelle.

56. F. L. Hawks and W. S. Perry, *Documentary History of the Protestant Episcopal Church in the United States of America, Connecticut* (New York, 1862), vol. I, p. 13; Lord Cornbury to the Secretary of the S. P. G., Oct. 6, 1704 (Hawks Transcripts, vol. I, p. 58).

57. Heathcote to the Secretary, Nov. 9, 1705.

58. Muirson to the Secretary, Nov. 21, 1705, and to same, May 2, 1706; James Wetmore to the Secretary in 1728 (Bolton, *op. cit.*, p. 165).

59. Cornelius Bridge to the Secretary, July 30, 1717 (Bolton, *op. cit.*, p. 205).

60. Heathcote to the Secretary, Feb. 24, 1707, Hawks and Perry, *op. cit.*, vol. I, p. 21. The edifice was 50 feet long, 36 feet wide, and 20 feet high, not counting the steeple; see Muirson to the Secretary, May 2, 1706 (Bol-

ton). A. Outram Sherman says two Presbyterian churches were built before the Church of England was finished in Rye; *Westchester and the Town of Rye* (Rye, 1909). In a letter written by Heathcote to the Secretary, Jan 18, 1707/8 (Hawks Transcripts, vol. I, pp. 165–166), there is a hint of how imperfect must have been the ordinary church observances in some newly organized parishes, due to inadequate equipment. Heathcote thanks the society for the prayer-books they have just sent to the church at Rye: "I shall not give or send them to any but such as give an assurance of their making a right use of them & I question not by the blessing of God & with the help of these prayer books that we shall be the most regular parish except N. York, as to the people's making responses as to which in most other places they are generally too defective."

61. Heathcote to the Secretary, Dec. 18, 1707. In 1711 the parish of Rye contained 288 of the Church of England, 478 dissenters, and 21 heathen house servants, according to the rather generous count of the Reverend Christopher Bridge in his letter to the Secretary, July 27, 1711 (Hawks Transcripts).

62. *N. Y. Doc. Hist.*, vol. III, pp. 929–932; Letter of the Inhabitants of New Rochelle to the S. P. G.; Bolton, *Protestant Episcopal Church*, p. 411. In Mr. Bondet's letter to the Secretary, July 24, 1707, he says: "but the payment thereof is so remote from one another that I am ready to perish in the mean time"; see Hawks Transcripts, vol. I, p. 164. Ten years later he had sixty communicants; *ibid.*, p. 535.

63. Heathcote to the Secretary, June 6, 1709.

64. Printed in Bolton, *Protestant Episcopal Church*, pp. 408–409.

65. See *ibid.*, p. 415.

66. John Sharpe, "Journal of My Life Exterior," *Pa. Magazine of History*, vol. XL, p. 286. There already was a Calvinist church in New Rochelle; see W. W. Waldron, *Huguenots of Westchester and Parish of Fordham* (New York, 1864), p. 32.

67. Sharpe, *loc. cit.*, p. 293.

68. Heathcote to the Secretary, Nov. 9, 1705.

69. Heathcote to the Secretary, April 10, 1704.

70. Robert Bolton, *op. cit.*, pp. 155, 364–369; see also Heathcote to the Secretary, April 10, 1704. He asked for a church in Eastchester in a petition to the governor about that time; see *N. Y. Doc. Hist.*, vol. III, p. 561. Pending the time when this could be accomplished, the congregation was served by the incumbent at Westchester. Mr. Bartow began his visits in 1703, coming once in four weeks in winter and once in eight weeks in summer; see Hawks Transcripts, vol. I, p. 463. The following extract from a letter written by Caleb Heathcote to the Secretary of the S. P. G., June 8, 1704 (Hawks Transcripts, vol. I, p. 32), further illustrates his confidence in the future support of the church: "For I am so well acquainted with the Temper of those people, that if a mind would but take pains in admonishing them, they would the most of them be effectually brought over, & then by an Act of Assembly might without Difficulty be obtained for augmenting what is given by ye present establishment there being no Parish but is able to pay twice as much as they now do & some a great deal more."

71. Heathcote to the Secretary, Nov. 9, 1705.

72. C. W. Baird in *Magazine of American History*, Oct., 1879. Archbishop Secker at a later date tried to repel the charge "that we have unwarrantably changed our object from the propagation of Christianity and Protestantism to the propagation of one form of it in opposition to other Protestants; and make the gaining of proselytes from these our Chief business, which was not designed to be any part of it." See *N. Y. Col. Docs.*, vol. VII, p. 347.

73. On the clergy of Virginia and Maryland see, *e. g.*, F. L. Hawks, *Contribution to the Ecclesiastical History of the United States* (New York, 1836, 1839), vol. I, pp. 64–65, vol. II, pp. 148–149. On North Carolina see S. B. Weeks, *Church and State in North Carolina* (J. H. U. Series, vol. XI, Baltimore, 1893), pp. 15–19; F. L. Hawks, *His-*

tory of North Carolina (Fayetteville, 1857–1858), vol. II, p. 353.

74. *N. Y. Col. Docs.*, vol. VII, p. 347.

75. See, for example, entries of Nov. 18, Dec. 8, 15, Jan. 20, Feb. 9, 12, 1712–13, in John Sharpe's "Journal of My Life Exterior," *Pa. Mag. of Hist.*, vol. XL, pp. 276, 280, 283, 284.

76. Heathcote to the Secretary, Nov. 9, 1705.

77. Heathcote to the Secretary, April 10, 1704.

78. Heathcote to the Secretary, June 1, 1704; see also letter of June 18, 1707. Professor A. W. Newcombe, of the department of history and government at Knox College, is preparing an extensive study of the activities of the S. P. G. F. P. in America. He writes the present writer from London that Heathcote's suggestions were apparently very important in determining the character of the society's instructions to missionaries, especially those of 1706; see Pascoe, *Two Hundred Years of the Society for the Propagation of the Gospel* (London, 1901), pp. 837–840.

79. W. S. Perry, *Historical Collections* [Virginia] (Hartford, 1870), pp. 29–32, contains a letter from "Mr. Nicholas Moreau to the Right Honorable the Lord Bishop of Lichfield and Coventry, his Majesty's High Almoner," dated April 12, 1697, which casually mentions the subject. The best edition of Miller's *New York Considered and Improved* is that of V. H. Paltsits (Cleveland, 1903). Chapter VIII, pp. 74–85, deals with the question of the episcopate. A. L. Cross, *The Struggle for an Anglican Episcopate* (New York, 1902), mentions neither Miller nor Heathcote in his index. The Reverend John Talbot was very active in the movement at this time; see M. L. Greene, *The Development of Religious Liberty in Connecticut* (Boston, 1905), pp. 174, 175, 177, 185, 192.

80. H. L. Osgood, *Eighteenth Century*, vol. II, p. 45. Heathcote to the Secretary, Nov. 9, 1705, and June 18, 1707: "We have it reported that the Queen would be at the charge of maintaining a Suffragan Bishop in these parts. If that was granted, I question not but a great many who have had their education in Boston College

would conform, and would be content with the benefices as settled by Assembly, without being very burthensome to the Society."

81. Heathcote to the Secretary, Feb. 14, 1711.

82. Heathcote to the Secretary, April 10, 1704. In writing the S. P. G., Jan. 1, 1707/8 (Hawks and Perry, vol. I, p. 35), he said: "I abhor heat and violence on any account whatever, but especially in matters of religion." It would seem from the context that the secretary of the society had been admonishing the colonel and Mr. Muirson for being too aggressive. It is quite possible that the former a little misread his own temper.

83. *N. Y. Doc. Hist.*, vol. III, pp. 145–146.

84. Heathcote to the Secretary, Aug. 24, 1714, Hawks Transcripts, General Convention MSS. His estimate of the population of Pennsylvania as 20,000 in 1700 is cited in Humphrey's *Historical Account of the S. P. G.*, p. 42. It is apparently the basis of W. R. Rossiter's item in his *Century of Population Growth* (Washington, Government Printing Office, 1909, p. 9) on Pennsylvania, as is also Heathcote's estimate of 24,000 for Connecticut the basis for the Connecticut item; see letter to the Secretary, Nov. 9, 1705, in R. Bolton, *Protestant Episcopal Church*, p. 157, noting the obvious error in transcription.

85. Heathcote to the Secretary, April 10, 1704. The need of schools in New York was evident in the fact that in 1704 a number of parents were sending their boys to Boston for education; see Lord Cornbury to the Secretary of the S. P. G., Oct 6. 1704 (Hawks Transcripts, vol. I, p. 58).

86. Heathcote to the Bishop of London, Oct. 23, 1704, quoted in W. W. Kemp, *The Support of Schools in Colonial New York by the Society for the Propagation of the Gospel in Foreign Parts* (New York, 1913), pp. 122–123.

87. Heathcote to the Secretary, June 1, 1704, quoted from S. P. G. MSS. by Kemp, *op. cit.*, p. 122.

88. *Ibid.*, noting authorities, pp. 122–127.

89. *Ibid.*, p. 276. The society had sent a catechist to New York City in 1703, but not a schoolmaster. There

were, however, masters who privately kept school. There may have been a missionary school in Albany in 1703.

90. Heathcote to the Secretary, Oct. 13, 1704.

91. C. W. Baird, *History of Rye*, p. 174.

92. Heathcote to the Secretary, Nov. 9, 1705.

93. Heathcote to the Secretary, Feb. 24, 1707 (Hawks and Perry, vol. I, p. 21).

94. Heathcote to the Secretary, Dec. 18, 1707, S. P. G. Letterbook, A, 3, p. 161, and S. P. G. Journal II, p. 235, quoted by Kemp, p. 55. Heathcote at first proposed only £3 or £4.

95. This seems to be a fair inference from the data on page 86 of Dr. Kemp's monograph.

96. See, for example, Kemp. p. 146 (note 163).

97. Citation to S. P. G. Archives, I, 171, in Morgan Dix, *History of Trinity Parish*, vol. I, p. 145.

IX

In which Caleb Heathcote loads his pistols and rides forth to set up his church in Connecticut.

COLONEL HEATHCOTE, as the patient reader has well learned, had bent all his energies to secure a sound and prosperous establishment of the Anglican church in the town of Rye. This determination had sprung not alone from his sense of responsibility for his own parish nor, indeed, for Westchester County, though that he defined as the area of his intensive effort. He looked toward the east and lamented the pitiable state of New England, almost wholly lacking in those ecclesiastical provisions which alone, in his sincere belief, could make proper English Christians or proper English subjects. Paul listening to the woe of Macedonia felt scarcely more insistently the demand upon his whole soul for a great and holy work of regeneration. The fact that the New Englanders, encompassed as they were in ignorance, preposterously laid claim to Christian virtue made the matter more intolerable. He was himself indifferently versed in theology, no doubt, and as far as citations and syllogisms were concerned would have fared sadly in a tilt with a learned controversialist like Cotton Mather or, for that matter, with any one of

half a hundred Puritan divines of less renown. But with his intuitive convictions of the ideal perfectness of the English national religion he probably would have shunned no struggle with any sectary whatever and certainly never would have been shaken in his faith.

As to a cloistered saint torturing his tender spirit with visions of the perils that hedged about the uninstructed, and repeating to himself the admonition of his Master to go forth into the world with the saving light of the Gospel, came the clear call of missionary duty to this magistrate, this merchant, this land-speculator, this manor lord. That his church, at home enriched by the piety and scholarship of a long succession of learned clergy, resplendent with great cathedrals and innumerable ancient churches all eloquent of a great tradition, interlocked with government itself in the care and rule of Englishmen, and bearing everywhere what was to him the patent mark of authenticity—that this church should be flouted by certain little colonies edging a distant wilderness, whose political existence rested upon charters granted by His Majesty, the head of the church as well as the state, and whose safety in an age of war varied with the nearness of His Majesty's ships—all this touched his pride and his sense of fitness. It seemed to him monstrous that these things should be.

"It cannot be an Act of greater charity to undeceive the Indians," he wrote in his warmth, "than those miserable blinded people." The severe and

quite unwarranted standards of church membership in a Calvinist community seemed to him criminally cruel. Something must be done for that colony, "where to the great scandal of the Christian Religion, as well as to the danger of Men's Souls, the ordinances of God are so strangely neglected and contemned. In some towns amongst 100 sober people, not ten will be admitted to the sacrament, and vast numbers are denied baptism. I am told in a town called Newhaven within 14 miles of Stratford there are near 1000 unbaptized. Now if it be a good work and a great service to God and his church to bring the Indians to the knowledge of our holy faith and to happiness, benefit and blessing of partaking of Baptism and the Lord's Table, it must be equal if not a greater service to make those of our own blood and nation partakers of those great blessings. . . ." [1] When high-toned Tory contempt for the opposition was thus reinforced with evangelical fervor there would inevitably be action; Colonel Heathcote would not stop at epithets and phrases.

It was not a work to be lightly or prematurely undertaken. He had waited until Rye parish was securely founded, and then, despairing of the unready Mr. Pritchard as an instrument of great fulfilment, he waited a little longer for a gracious Providence to send him a better. In young George Muirson he had a man who met his most exacting standard, and he now laid his plan. But it was no personal affair; the Venerable Society and "my Lord of London" must have full knowledge of the situation as

he saw it. On the 9th of November, 1705, he wrote the secretary:[2]

My principles and natural temper lead me to do the Church all the service I can, everywhere; but I dare not promise for more than this county at present, and my best endeavours in the westernmost towns in Connecticut Colony, when the Church is well rooted here. And it has always been my opinion, and still is, that there is no part of this Province, or even America, that will be of greater use or service to have the Church thoroughly settled in; for it is not only large in extent, and the land very good, but near the city. So, consequently, it will in time be a great settlement. But bordering on Connecticut, there is no part of the continent from whence the Church can have so fair an opportunity to make impressions upon the Dissenters in that government, who are settled, by their laws, from Rye Parish to Boston Colony [Massachusetts], which is about thirty-five leagues, in which there are abundance of people and places. As for Boston Colony, I never was in it, so can say little about it. But as for Connecticut, I am and have been pretty conversant with it, and always was as much in all their good graces as any man; and now that I am on that subject, I will give you the best account I can of that colony.

It contains, in length, about 140 miles, and has in it about forty towns, in each of which there is a Presbyterian or Independent Minister, settled by law, to whom the people are all obliged to pay, notwithstanding many times the Ministers are not ordained, of which I have known several examples. The number of people there is, I believe, about 2400 [24,000] souls. They have abundance of odd kind of laws, to prevent any dissenting from their Church, and endeavor to keep the people in as much blindness and unacquaintedness with any other religion

as possible, but in a more particular manner the Church, looking upon her as the most dangerous enemy they have to grapple withal, and abundance of pains is taken to make the ignorant think as bad as possible of her; and I really believe that more than half the people in that government think our Church to be little better than the Papist, and they fail not to improve every little thing against us. But I bless God for it, the Society has robbed them of their best argument, which was the ill lives of our clergy that came into these parts; and the truth is, I have not seen many good men, but of the Society's sending; and no sooner was that honourable body settled, and those prudent measures taken for carrying on of that good work, but the people of Connecticut, doubting of maintaining their ground without some further support, with great industry went through their colony for subscriptions to build a college at a place called Seabrook [Saybrook]; and the Ministers, who are as absolute in their respective parishes as the Pope of Rome, argued, prayed, and preached up the necessity of it, and the passive, obedient people, who dare not do otherwise than obey, gave even beyond their ability. A thing, which they call a college, was prepared accordingly, wherein, as I am informed, a commencement was made about three or four months ago. But notwithstanding their new college here, and an old one in Boston, and that every town in that colony has one, and some two Ministers, and I have not only heard them say, but seen it in their prints, that there was no place in the world where the gospel shone so brightly, nor the people lived so religiously and well as they; yet I dare aver, that there is not a much greater necessity of having the Christian religion, in its true light, preached any where, than amongst them—many, if not the greatest number of them, being little better than in a state of heathenism, having never been baptized or admitted to the Communion. And that you may be satisfied what I

tell you herein is not spoken at random, nor grounded on careless observation, Mr. Muirson's parish, which is more than three-fourths composed of two towns, viz., Rye and Bedford, which were first settled under the colony of Connecticut, and by the people bred and born under that government; and some time before my coming they had a Minister, one Mr. Denham, and had afterwards two more, Woodbridge and Bowers, at Rye, and one Mr. Jones, at Bedford, and the people of Rye only had of this county the care to provide a parsonage house; and notwithstanding all those great shows of religion, and that at such times as they were distitute of a Minister.

Greenwich and Stamford, the bounds of the former of which places join upon theirs, and the other is not above ten miles distant, where they were always supplied, so that they could not be said to want the opportunity of having the Sacraments administered to them; yet I believe twenty of them had never received the Communion, nor half of them been baptized, as Mr. Muirson will more fully inform you.

And now I have given you an account of the state of that colony, what will in the next place be naturally expected from me is, to know my opinion of the best and most probable way of doing good amongst them. There is nothing more certain than that it is the most difficult task the Society have to wade through. For the people are not only not of the Church, but have been and are trained up, with all the care imaginable, to be its enemies. That to make an impression, under all these disadvantages, is very difficult, though I hope not impossible; and though, at first view, the prospect of doing any good upon them is very little, yet no doubt but the most proper measures ought to be taken, leaving the event to Almighty God.

Now, to give you my thoughts in what way this great work may best be endeavoured at, so as it may be done

with little expense, I believe, for the first step, the most proper way would be, that one of the Ministers of this County should be directed, by my Lord of London, to inform himself where there are any in that government that profess themselves to be of the Church, and to know if they or any of their neighbors have any children to baptize, or desire to partake of the Sacrament; and inform them that he will come to the town where they live, and after having given them a sermon, will perform those holy rites. There need, I think, no more be done in this matter at present; but the Society may, if they please, leave the rest to me, and I won't give him only the best advice and directions I can therein, but will, God willing wait upon him in his progress, and persuade some useful friends along with me. And when this essay has been made, I shall be much better able to guess at the state of that government, and what is fitting to be done next.

Now, the person that I would advise them to pitch upon, by all means, for this expedition, is Mr. Muirson; he being not only posted next those parts, and so it will look less like design; but he has a very happy way of delivery, and makes little use of his notes in preaching, which is extremely taking amongst those people; and for argument, few of his years exceed him.

The chief end I have in this projection is to have the people of that government undeceived in their notions concerning our Church—there being, I believe, fifteen thousand in that colony who have never heard, or scarce seen a Church of England Minister; and I have the charity to believe that, after having heard one of our Ministers preach, they will not look upon our Church to be such a monster as she is represented; and being convinced of some of the cheats, many of them may duly consider of the sin of schism. However, let the success be what it will, to me the duty seems plain. I have not only mentioned this to you, but in my letter to my Lord of London, and

shall patiently wait for his and the Society's commands therein.

Before this letter was written, or very soon after, Mr. Muirson, probably accompanied by the colonel, ventured briefly into the western towns of Connecticut, which lay near his parish, and found people here and there well affected to the English Church.[3] Indeed, his winning manner drew out in private conversation the assurance of certain Puritan ministers that, were there a bishop accessible in this western world, they would conform and apply for Holy Orders.[4] Mr. Muirson's own devotion was probably his most effective argument, and no doubt his personal influence as a clergyman was spreading rapidly; "but," says Doctor Beardsley in his history of the Episcopal Church in that State, "the introduction of Episcopacy into Connecticut stands closely connected with the name of a distinguished layman, the Hon. Caleb Heathcote—a Christian gentleman, loving most warmly the Church and sustaining high and important responsibilities in the New York Government." [5] Mr. Muirson himself reported to the S. P. G. that the colonel gave the enterprise its main strength and that success was due to his energy and prudence.[6]

The colonel had heard of a group of churchmen or other Protestants discontented with the Connecticut standing order, living in Stratford, a long day's journey to the eastward, who had expressed some hope that a Church of England minister might come their way so that their children might have baptism

from his hand. That year a letter bearing such request had come from that town to the Reverend William Vesey in New York, probably inspired by the colonel,[7] and he wrote in April, 1706, as the road was clearing, "that Mr. Muirson intends, God Willing, about a month hence to take a journey amongst them where I design, God willing, to accompany him, and after that progress, we shall be able to give a better account of ye state of that Colony relating to the Church." [8] Departure was delayed, for there were rumors throughout late spring and early summer of impending attack upon New York by the French, with whom the queen had been at war since her accession. As a councillor and as a colonel of militia Heathcote was busy in planning and recruiting, but war came no nearer than the Indian frontier.

Somewhat later, while the unfaded foliage of September still shadowed the narrow highway into the land of "those miserable blinded people," the two rode forth, the magistrate and his priest, both fully armed and ready for violence unto death if the cause of the church required it, holding services, preaching, baptizing, and distributing prayer-books and devotional works from out their well-packed saddlebags.[9] To the modern traveller whirling along in a Pullman car of the Boston express this may stand as a strangely charming picture of romance, summing up as it does an adventure toward the good of the world, unneeded in the circumstances, it may be, but filled with as high a purpose as any that set forth from Arthur's castle. Fenimore Cooper honored the

memory of his wife's great-grandfather by naming a novel *The Heathcotes; or, the Wept of Wish-ton-wish;*[10] but it was a compliment only of name, as the story had no reference to the indomitable lord of the manor of Scarsdale. What might he have done with such a life as this, or Walter Scott!

They passed through Greenwich, familiar to them both, and into the little village of Stamford, grouped around a green where stood the square, bleak, unfinished meeting-house. After dining at the inn here, probably, and baiting their horses, they made their way by long tracts of green salt-meadow billowing gradually into the Sound, and then through deep woodland that stretched out on either side of the hilly road made doubly arduous by the outcropping granite ledges. Near Norwalk they crossed the "high tottering bridge" which had so struck terror into the gentle heart of Madam Knight, journeying to Boston two years before, and then curving around the "parade," as the green was often called, passed the meeting-house, decrepit with the weight of fifty winters, and the log houses of the settlement, replaced here and there by a shingled frame house with its overhanging second story and its sweeping lean-to.[11] At Fairfield there was a more considerable community, but little Stratfield, five miles further on, sprawling by the mouth of the Pequonnock, gave little suggestion of the vast checkerboard of humming mills that make the wealth of modern Bridgeport. It was, indeed, but the western purlieu of the town of Stratford, which was their destination.

This town of Stratford, its full area considered, had grown in nearly seventy years to number two hundred families. It was settled, in the major part, beside the green, along the Milford road and on the Housatonic shore, and existed chiefly by the tillage of the holdings staked out in regular New England fashion over an area five or six miles in radius from the church on the Watchhouse Hill; some, too, lived by tanning hides, fulling cloth, or exporting grain, beef, pork, and live horses to the West Indies. It was, in short, like other towns, except, perhaps, for a certain ecclesiastical commotion which had somewhat disturbed the peace of the community for four years past.[12] The two parties of the parish were slowly coming to agreement in accepting a Mr. Reed as pastor, but unanimity was by no means yet established. This was a circumstance favorable, no doubt, to the mission of the two riders from the west, when coupled with the fact that some of the more recent settlers who had been granted property had come from England from no dissatisfaction with the national church. Yet there was full plenty of opposition here, as elsewhere:[13]

> We found that Colony much as we expected [reported the colonel in a letter to the Venerable Society], very ignorant of the constitution of our Church, and, for that reason, great enemies to it. All their towns are furnished with Ministers (as I formerly told you) who are chiefly Independents, and denying baptism to the children of all who are not in full communion; there are many thousands in that government unbaptized.[14] The Ministers are very

uneasy at our coming amongst them, and abundance of pains was taken to persuade and terrify the people from hearing Mr. Muirson, but it availed nothing; for, notwithstanding all their endeavours, he had a very great congregation, and, indeed, infinitely beyond my expectation. The people were wonderfully surprised at the order of our Church, expecting to have heard and seen some wonderful strange things, by the account and representation of it that their teachers had given them. I am in hopes, upon the whole matter, that our journey was not lost; but that we have done service to the Church in our progress, in which I shall be able to give a better guess after our next visit, which we intend, God willing, to pay them about a month or six weeks hence.[15]

It was this mission that introduced the Anglican Church into Connecticut.[16] It roused the apprehension of the Congregational establishment, quite naturally, and each successive journey was to meet with greater hostility to "Rome's sister," as the Puritans called her, haunted by the evil memories of Archbishop Laud and the "*et cetera* oath." A contemporary declared his belief that had Colonel Heathcote not been there Mr. Muirson would probably have been thrown into the jail.[17] The second essay was made probably before the road was blocked by the snow, and is duly chronicled in a letter from the colonel to John Chamberlayne, the secretary of the S. P. G.:[18]

Sir,

I wrote you a letter by the last fleet, since which I have not been favoured by any from you, which I attribute to the misfortune of the *Resolution* Galley. I therein gave you an account of some small progress we had made

toward settling the Church in Connecticut. Since which, we have made another journey amongst them, when Mr. Muirson baptized four or five more, mostly grown persons, and administered the Sacrament to about fifteen. He met with more opposition this time than the last, the justices having taken the freedom to preach, giving out at the same time, amongst the people, that he and all his hearers should be put in gaol. But, notwithstanding all their threats to some and persuasions to others, he had a handsome congregation; and I believe the next visit that is paid them, it will be found that their struggling to stifle the Church will be a great means to forward its growth, for I hope, with the blessing of God, in as short a time as can reasonably be expected there won't only be a fine congregation gathered, but ways will be found by our projection, or otherwise, to have a handsome Church for them to worship God in—for the effecting of which, my hearty endeavour shall not be wanting. Those there in the interest of the Church are very desirous to have a Minister sent amongst them, in which, if the Society shall think fit to assist them, more than common care must be taken that they have one of an exemplary life, and in all respects qualified to answer that great work; for a miscarriage at our first setting out would ruin all, and it would afterwards be extremely difficult to make any steps toward settling the Church in that colony. It would be absolutely necessary, for the better and more easy effecting this great and good work, that an order be procured from Her Majesty, requiring the government of that Colony not to force any of her subjects to pay for maintenance of the Ministers settled by their laws, and to repeal that act whereby they pretend to refuse liberty of conscience to those of the established Church. If those grievances were redressed, which in itself is very reasonable and proper, and not much more than hath been granted the Quakers, on their petition against the same government, it would

be of greater service to the Church than can at first sight be imagined. I acquainted you, in my former letter, that there was a very ingenious gentleman at Stratford, one Mr. Reed, the Minister of that place, who is very inclinable to come over to the Church; and if the charge can be dispensed with, he is well worth the gaining, being by much the most ingenious man they have amongst them, and would be very capable to serve the Church. By reason of the good inclination he shows for the Church, he has undergone persecution by his people, who do all which is in their power to starve him, and being countenanced and encouraged therein by all the Ministers round them, they have very near effected it; so that if any proposal could be made to encourage his coming over for ordination, his family, which is pretty large, must be taken care of in his absence. I thought fit to lay this matter before the Society, and leave it to their wisdom and judgment to move therein, as they think proper and convenient. . . . Mr. Muirson, the next journey he makes to Connecticut, intends to settle his Church at Stratford, by making choice of Churchwardens and Vestry, as Mr. Evans will more fully inform you. I was not mistaken when I formerly told you that he was the most proper of all the Missionaries hereabouts to go on that great undertaking, having performed that work with a wonderful deal of prudence and discretion. When the Church hath got footing in Connecticut, it will in the next place be advisable to try what is to be done with the east end of Long Island, where there are several considerable towns, concerning which, when I have informed myself better, I shall give you my thoughts therein. I have not at present anything further worth your notice, so with my most humble duty to the Society

I remain, sir,

Your most obedient servant,

CALEB HEATHCOTE.

In early spring Colonel Heathcote and Mr. Muirson made their way to Stratford, still objects of suspicious curiosity in old and young alike, so that the prim little Prudences and Temperances that stared from the wayside knew not whether to drop courtesies of respect or run away in terror from this embassy of Satan. But the colonel was at great pains to win support by private conversations, and it may be that some lowly citizens conformed in the pleasurable excitement of attentions from such a personage as the lord of Scarsdale,[19] though others dared not openly defy the local magistrates by such a step. Two such dignitaries, a councillor of the Connecticut colony and a justice of the peace, came to the lodgings of the "Yorkers" in Stratford and read a long paper "writ on both sides," before them and the curious crowd that had quickly gathered, to the effect that they had broken the colony law in coming in to set up a new form of worship, as could be shown by reference to the statute. The Yorkers might, if they chose, remonstrate that any law so repugnant to the laws of England as to refuse the liberty of worship to the national church must perforce be void as contrary to the spirit of any English charter, but after all they were in Connecticut and the powers of church and state were very present facts. Next day, being the Sabbath, the justice of the peace stood in the highway threatening with a fine of five pounds any who went to hear Mr. Muirson. Magistrates and clergy went from house to house warning all who valued their good name or, indeed, their persons and

property to have no commerce with these two interlopers from the west, or, rather, three, for they were accompanied this time by the Reverend Evan Evans, of the mission in Philadelphia. Nevertheless, Mr. Muirson chose churchwardens and a vestry and left his church in order.[20] In Fairfield he was invited to preach and baptize some children, and a letter was sent to the magistrate entreating the use of the meeting-house on a certain week-day. The request was immediately and indignantly denied, but despite this opposition a good-sized congregation was collected in a private house. The officers of the town, having jurisdiction out of doors, forbade the preliminary ringing of a bell or the beating of a drum to give notice to the people; the common air should not be defiled by signal of this detested form of worship.

The colonel wrote the society in a strain of encouragement, though he had to report some sufferings by the Stratford Anglicans and the dismissal of Mr. Reed from his living because he leaned toward that communion. Episcopacy had been planted in Connecticut, and now funds must be found to sustain it, as these new adherents themselves had no great property and their ecclesiastical taxes, no less than those of their Puritan neighbors, went to support the local establishment. A missionary should now be provided by the Venerable Society for the colony in general, stationed for the present in the town of Stratford. Though he dearly prized the companionship of Mr. Muirson in and about the manor-house on Heathcote Hill, such private sentiment must give

way before the church's need; Mr. Muirson had shown himself the best man for this arduous work, and some less gifted clergyman might take up the smoother routine of Rye parish. If the society acceded, the missionary should have annually a hundred pounds sterling from England, as there would be no revenue in Connecticut and he would need to be perpetually moving about over the huge area of his charge, which would entail expense. "I have not had much talk with him about it," the letter continued, "but I doubt not in the least, if my Lord of London and the Society directs his removal, I can persuade him to be easy under it." With the aid of petitions from the Stratford churchmen, who incidently paid high tribute to his own substantial aid, he did persuade both the English church authorities and Mr. Muirson himself to carry out his project.[21]

Nothing in the enterprise was finer than the warm mutual regard of its two members. "Mr. Muirson baptized about twenty-four, mostly grown people," writes Colonel Heathcote, "and when he goes there next, I hope many more will be added to the Church. He is, truly, very well qualified for that service, having a very happy way of preaching; and, considering his years, wonderfully good at argument, while his life is without blemish." [22] "The Hon. Caleb Heathcote (who always studies and endeavours the good of the Church)," testifies Mr. Muirson in his own letter to the society, "has been very diligent and industrious in carrying on this great work. The eminency of his station, and withal his favoring and

countenancing my attempts of this nature, is of so great consequence among the people that, truly, what success I have hitherto had, either at home or abroad, is owing more to his prudent conduct than to the best of my weak labours. He honours me with his company in all such progresses, and exerts his utmost endeavours to settle the Church wherever he goes, which will recommend him to the esteem and regard of all good men, but especially (I'm persuaded) of your worthy members." [23]

The colonel had taken Mr. Muirson on some journeys, not directly in the interest of the church, to St. George's Manor on Long Island, or else the young pastor had made new acquaintances at Heathcote Hill, for in June of that year, 1707, there came the wedding of the Rector of Rye and Glorianna, the youngest daughter of Colonel William Smith, and thus Colonel Heathcote's sister-in-law. One may sharply discount the observation of Macaulay that the rural clergy of that age by general custom found their wives among squires' serving-maids or cast-off mistresses,[24] and yet be well assured that it was a stroke indeed for a "clerk" to be admitted to the chief justice's family. The strength of Colonel Heathcote's friendship had blurred the lines of caste. The two enthusiasts went forward with their plans with unabated ardor and visited Stratford during the next winter, though careful to deny all imputation of contentiousness, with which, it seems, they had been charged in letters from Connecticut to England. It was hoped that Trinity Church would ap-

propriate some of its funds to build a church at that place and an application was presented, the first of many calls from many places on that "mother parish." [25]

But all these prospects which seemed so fortunate to the colonel and his new brother-in-law were blotted out within the space of sixteen months by the latter's death in October, 1708, before he had received the letters directing his transfer to the east.[26] The colonel felt this loss perhaps as keenly for the church as for himself; determined that the cause should not be ruined by this sad reverse, he straightway visited the Stratford churchmen to hearten them, and then urged that they be shepherded by the society. But the results were for a time discouraging. The church that they had founded languished under a successor who served the forty communicants briefly and without much application to his duties,[27] and though the little company persisted and began a house of worship, they suffered at the hand of the law. "Persecution of the tongue" gave way to harsher treatment, involving "court sentence and gaol." [28] The letters of Colonel Heathcote, however, had made an impression in London, as the government of Connecticut well realized, and it was feared in those circles that they would add to the weight of evidence of misbehavior which might break their charter. In 1708 the legislature extended to Episcopalians and others the same protection which three years before the English government had insisted upon for the Quakers, that of organization and public worship,

providing all such "dissenters" also paid their regular church taxes for the orthodox minister's support.[29] Despite this act, the churchmen scattered through the colony encountered many obstacles, and it was not until 1727 that they obtained exemption from state-church levies for those who actually attended the Episcopal Church.[30] At the same time they were gaining honor and prestige through the scholarship and labor of such converts as the Reverend Timothy Cutler, late president of Yale, and the Reverend Samuel Johnson, who became the first president of King's College. "But the introduction of Episcopacy," in its first phase, as has been quoted, "stands closely connected with the name of a distinguished layman, the Hon. Caleb Heathcote—a Christian gentleman, loving most warmly the Church."

NOTES

1. Heathcote to the Secretary, April 14, 1707, and January 25, 1709/10. Though the latter letter, which is to be found in the Hawks Transcripts, is of later date, it is an argument for the support of a permanent mission and has the same spirit as those of 1707.

2. Hawks and Perry, *Documentary History of the Protestant Episcopal Church in . . . Connecticut*, vol. I, pp. 8–12.

3. Robert Bolton, *Protestant Episcopal Church*, p. 152, is evidently using a tradition.

4. George Muirson to Secretary, Nov. 21, 1705.

5. *E. E. Beardsley, History of the Episcopal Church in Connecticut* (New York, 1869), p. 19.

6. Muirson to the Secretary, Oct. 2, 1706.

7. This seems a plausible inference from the circumstances, though less could be said in support of Doctor Beardsley's statement that probably a similar petition

from Stratford to the Bishop of London in 1702 had been suggested by Heathcote; see *op. cit.*, p. 19.

8. Heathcote to the Secretary, April 14, 1706 (Bolton, p. 168). Mr. Muirson was licensed by Governor Cornbury to baptize in Connecticut; see *ibid.*, p. 165.

9. Mr. Bolton in his *Protestant Episcopal Church* speaks of the two men going armed. He begins this section of his sentence with quotation marks, but from what the quotation is and how long it should be understood as extending on the page are problems which the author has left unsolved.

10. This was the title of the English edition.

11. E. P. Huntington, *History of Stamford* (Stamford, 1868), pp. 134, 168, 169. Nathaniel Bouton, *Historical Discourse in Commemoration of the Hundredth Anniversary of the Settlement of Norwalk, Ct.* (New York, 1851), p. 35 *et seq.*; Edwin Hall, *The Ancient Historical Records of Norwalk, Conn.* (Norwalk, 1847), frontispiece map.

12. Samuel Orcut, *History of the Old Town of Stratford and the City of Bridgeport* (Fairfield Co. Hist. Soc., 1886), vol. I, pp. 282, 292–297.

13. Heathcote to the Secretary, Oct., 1706 (Hawks and Perry, vol. I, p. 18).

14. The reference seems to overlook the Half-way Covenant, by which parents of moral life and orthodox belief might have their children baptized, even though they themselves had had no religious experience sufficiently intense and reassuring to warrant their acceptance as church-members. This arrangement was not abrogated until the days of the Great Awakening in the seventeen-forties. See M. L. Greene, *The Development of Religious Liberty in Connecticut*, p. 271.

15. Hawks and Perry, vol. I, p. 19.

16. S. Orcut, *op. cit.*, p. 317; E. E. Beardsley, *op. cit.*, pp. 16–23; Hawks and Perry, vol. I, pp. 36–37.

17. John Talbot to Mr. Keith, Feb. 14, 1707/8, Hawks and Perry, vol. I, p. 36.

18. *Ibid.*, vol. I, pp. 19–22.

19. Doctor Beardsley speaks of the attempt that "has

sometimes been made to depreciate the character of these men, or to speak in disparagement of them, as if they were insignificant traders and mechanics. But they certainly showed good qualities of head and heart. Though poor in this world's goods they were rich in faith"; *op. cit.*, p. 25.

20. Muirson to the Secretary, April 4, 1707 (Hawks and Perry, vol. I, pp. 22–26); "An Account of the Sufferings of Members of the Church of England at Stratford," *ibid.*, pp. 39–44.

21. Heathcote to the Secretary, April 14, 1707, Hawks and Perry, vol. I, pp. 33–34, 39–47.

22. Heathcote to the Secretary, Oct., 1706.

23. Muirson to the Secretary, Oct. 2, 1706.

24. *Cf.* Macaulay's reference in the famous third chapter of his *History of England* with W. H. Hutton, *History of the English Church*, 1625–1714 (London, 1903), p. 323.

25. "Mr. Wenham presented to the Board a letter from Col. Heathcote which was read, desiring the Lone of one hundred pounds for two years towards building a church at Stratford in the Colony of Conecticut, & he & the Rev. Mr. Muirson would be security for the same"; Morgan Dix, *History of Trinity Parish*, vol. I, p. 165. See also Heathcote to the Secretary, Stratford, Jan. 1, 1707/8 (Hawks and Perry, vol. I, pp. 35–36), and Muirson to the Secretary, January 9, 1707/8 (*ibid.*, pp. 29–31).

26. There was a posthumous son, whom the mother reverently named George. That there was a tradition of respect for the colonel in that family is evidenced in the fact that George's son bore the name of Heathcote Muirson; see R. Bolton, *Protestant Episcopal Church*, p. 185.

27. Colonel Heathcote got leave of the "Lt. Gov. to spare the chaplain Mr. Sharp whom I accompanied into Connecticut to the unspeakable comfort and satisfaction of the members of the Church of England in that Colony who remain very constant and steady notwithstanding that the warm Independents have by Imprisonment and many other severities endeavoured to suppress them"; letter to the Secretary of the S. P. G., Jan. 25, 1709/10

(Hawks Transcripts). The colonel's continued concern for the Stratford church is evidenced in other letters—of Dec. 12, 1711, Feb. 4, 1712, Sept. 18, 1713, etc., *loc. cit.* See also Heathcote to Francis Nicholson, April 19, 1714 (Hawks and Perry, vol. I, pp. 49, 50).

28. See "Account of Sufferings," *ibid.*, vol. I, pp. 39–41.

29. M. L. Greene, *Development of Religious Liberty*, chapters VII–VIII.

30. Colonel Heathcote continued to visit the Stratford churchmen; for example, see John Sharpe, "Journal," *Pa. Magazine of History*, vol. XL, pp. 283–284.

X

In which the story of Caleb Heathcote is concluded.

T is difficult if not impossible to chronicle the lives of many-sided men—like Leonardo da Vinci, for example, or Franklin or Jefferson—year by year as they lived them. Even the career of the much less consequential Caleb Heathcote seems to baffle any such attempt at straightforward narrative, and in this presentation it has been discussed somewhat in its separate continuous interests, as a complicated rope might be unbraided and its strands examined in turn. For all its benefits in tracing out the contributions of the single person to the various institutional developments of his time, this proceeding hardly sets before us the whole man that we would know if by the use of some marvellous "time-machine," like that of Mr. H. G. Wells, we could drop in for an evening's conversation in his chambers in New York in 1692, or at his home in Westchester in 1698 or at Heathcote Hill in 1715. A few paragraphs of summary may not be out of place.

He landed in America, it will be remembered, in 1692, a young man of gentlemanly carriage, somewhat grave, no doubt, in countenance. With no loss of time he set up in ocean trade, profiting by the counsel of his experienced cousin George, and within a year had attracted sufficient favorable attention

as to be called to Governor Fletcher's council. The councillors, besides their stated responsibilities of deliberation with the governor in the fort, were in some cases individually charged with the administration, more or less completely, of a county. At least, young Heathcote was promptly given the shire of Westchester as a kind of county palatine lying toward New England, a circumstance which was likely to add difficulties to the assignment, for border controversies were hardly to be avoided. First strengthening his arm with the command of the county militia and then increasing his authority with all sorts of judicial jurisdiction, the governor turned to other cares; if all Colonel Fletcher's duties had been so well discharged as this provision for Westchester, he would rank toward the other end in the list of colonial governors in America.

The much-commissioned young councillor, without neglecting all these obligations, carried on his trade to good profit, extending it by the "pirate ship" he bought of Governor Fletcher and by other craft which he built himself. But he seemed particularly bent on doing what he could to provide for the eternal souls of New Yorkers as well as for their peace and safety here on earth. Though quite unlettered in theology, he gloried in his membership in the national church, that institution which, as Charles I explained to his elder son, so well succeeded in "keeping the middle way between the pomp of superstitious tyranny and the meanness of fantastic anarchy."[1] The first danger apparently had been

averted by the recent "glorious revolution," which had made its influence felt on this side of the Atlantic as well as in the home-land, but the second he thought he saw on every hand. Governor Fletcher's personal shortcomings have thrown an atmosphere of doubt around his motives in championing the church, though now and then immoral men succeed in being sincerely religious; but the profession of Colonel Heathcote and his energetic practice were in such harmony that he doubtless equalled if he did not surpass the governor in influence toward settling the English Church in the province of New York. Not only did he advise the chief executive in the measures carried through a deluded assembly, which taxed the great body of citizens in the region around the city for the support of a church they did not want, but to him fell a considerable part of the burden of carrying out these measures. The directness of his methods was illustrated by his alternative presented to his militiamen of continuous drill on Sundays or public pious reading.

By the middle of the decade, still keeping up his business as a merchant and contractor, and serving for a short time as a commissioner for the offices of collector and receiver-general, he found himself dividing much of his time between the attempt to bring the citizens of Rye and Bedford to renounce their perverse allegiance to the Connecticut motherland, and the enterprise of an Anglican church in New York City. In 1696, to make his administration more effective, he moved to the town of West-

chester, a settlement lying back from Eastchester Bay, which he soon had made a borough town, an elaborate municipality by fiction of the law. Situated now on the edge of the open country, where infrequent cabins gave way to woods that knew few footsteps save those marked by moccasins and no sounds so frequent as the howl of wolves and other "vermin," it was not surprising that he turned to speculation in wild lands. Yet he never let his ledger lie atop his prayer-book, and in that same year he took the lead, apparently, in petitioning for a license to buy land as a site for Trinity Church. He "pitched upon" the proper tract, one whose present money value would doubtless astonish its negotiator. The following year saw all these interests properly continued. He was sent to quiet the Rye rebellion, but reported deep resentment at the granting away of certain back-lands by the New York executive and an unchanged preference for Hartford as their capital of government; nevertheless he thought he made some headway with the townsmen. He bought more land between the Hudson and the Sound and, with eight partners, a great tract in Dutchess County. But again his duties as a vestryman of Trinity were not neglected and he managed the building of the church.

1698 was a year of trouble. Fletcher's manifold malfeasances had attracted the notice of the board of trade in England and a successor appeared on the 13th of April, Nemesis in the form of Richard Coote, Earl of Bellomont. Colonel Heathcote, like all who

had in any way, near or remote, shared the favor or responsibility of the Fletcher administration, felt the new governor's heavy hand. He was first turned out of his office as councillor, though he kept his duties in Westchester. Then his record was ransacked for evidence on which to base some charges, but very little was discovered. He had farmed the excise of his county for what was probably too low a rate, but that was a fault more properly chargeable to the collector; he had received two small grants of land in the city which were properly within the permanent appurtenances of the governor, and they were ultimately recovered by the crown. That little or nothing was made of the recent libelling of Heathcote and Evans' ship in Philadelphia probably signifies that the colonel was not thought intentionally guilty of violating the navigation laws or else that such a violation was deemed a trivial offense and too small to notice.

He could now give more attention to his private business: looking over the lands that he had purchased running back from Mamaroneck, building a house there by the sea, and, far more exciting, taking a wife to live there. In 1700 he gave his time, except that needed in his county offices, to developing his property and making as good a bargain as he could with the venal officers at the fort for more wild land. His patience was rewarded by the manor grant of Scarsdale, named from his birthplace, and noteworthy as the last manor granted by the British crown. The next year, like others, saw the increase

of his property in land, in northern Westchester, on Staten Island, and a small bit in western Connecticut. It also brought the return of political fortune in reappointment to the council, now under Lord Cornbury, recently arrived as governor. Service for a year as one of the commissioners for the offices of collector and receiver-general gave him certain experience which was later to be helpful in a more exalted charge. Meanwhile the building of his church in the borough town of Westchester and his securing of a rector had made it easier to resign responsibilities in that community and take up his home at Scarsdale.

In 1703 and 1704 he was active in clearing land and building mills here, as he had been in Westchester, and he continued his contracting business, especially in the furnishing of government supplies. But his never-flagging interest in the church now turned his eye to the needs of Rye, into which parish he had come. He secured a rector, as he had in his former village, at first with disappointment and then with happiest success in the choice of Mr. Muirson, and projected his schools as well; he had, indeed, been planning general policies of church extension and had welcomed the effective aid of the Society for the Propagation of the Gospel in Foreign Parts, which in turn made him a member. Certainly, the society could have had no correspondent more energetic in collaboration or more faithful in report.

So far, the world of his responsibilities had been New York, but in 1705 he began his correspondence

directly with the high officials of English administration setting forth his projects for the production of cheaper stores for Her Majesty's ships. Parliament, grappling with the difficulties of supply in the War of the Spanish Succession, had recently shown an interest in the subject by enumerating naval stores among the commodities which could be sent directly to no ports but those of England.[2] His thought had passed into what may be called its imperialist phase. The next year he continued his propositions, which, though they apparently came to naught, very probably helped to focus attention on the problem that the officials later tried to solve by the Palatine experiment. His broader outlook is observable, too, in ecclesiastical affairs. He advised the S. P. G. on schools in general. Not only did he bring about the building of a church in Rye, but made clear his purpose to use that parish as a base for the conquest of Connecticut for the national church, and at this time made his first onslaught on the east.

During the four years from 1707 to 1710 his private business occupied much of his time, agriculture and land speculation chiefly, for he does not seem to have been active now as a merchant. But he had the cares of office, of course, and particularly a concern for the soul of Connecticut. He was gratified to see the S. P. G. committed to the maintenance of a resident missionary in that "benighted" colony, though the first incumbent died before his notification and the second seemed principally employed during his residence there in getting himself trans-

ferred to some less arduous post. More encouraging was the reflection that his representations to England had reacted on the colony to bring about the toleration act of 1708, by which the public Episcopal worship was authorized. He had likewise the satisfaction of seeing a church edifice begun in New Rochelle and the conformity of most of the Huguenots.

These solid gains of his church were apparently more precious to him than any personal advancement. If General Nicholson be excepted as an English official resident in the colonies, probably Heathcote was the most useful layman in the history of the Anglican Church in America. No charge of insincerity in this active interest could wear the slightest plausibility. It could have sprung from no deep design to attract the favor of the English Government; it was an interest which ran steadily through his whole life, evidenced before he could have reasonably thought of preferment at the hands of the ministry and continued after he had received all honors that he could expect.

Primarily a matter of nerves—or intuition?—historic religion soon took on systems of thought and art, the logic of divinity and its purpose, and the art of worship to put our little selves in harmony with it. There is little to show that Caleb Heathcote or others like him in America gave much attention to theology or liturgics; he was no Samuel Johnson. He seemed, indeed, to take those things for granted. When he wrote the S. P. G. for books he

specified but three: "pray let them only be Dr. Beveridge's (now Bishop of St. Asaph) Sermon concerning the common prayers, a little book entitled *A Christian's Way to Heaven*, and one of the Lawfulness of the common prayer. No books can be more serviceable than they; and I would take care to have them scattered through Connecticut." Others might give ear to newfangled doctrines like that of "comprehension" with dissenters, so eloquently preached by Archbishop Tillotson, but he was content with the venerable foe of all such innovations, whose strait finalities recalled the days of King Charles the Martyr.[3] Colonel Heathcote seems to have been concerned chiefly with two aspects of noncomformity, which could be suggested in two propositions: first, refusal to accept the queen's religion was close to sedition and was offensive to his pride of nationality; second, rejection of the civilizing presence of that church was the perversity of ignorance. Not only was the Anglican communion the English Christian's way to heaven, but the good man's best aid to a decent life. That Presbyterians could be decent was a little hard to believe.

His appointment as mayor of New York in 1711 somewhat compensated for his failure to get the post of governor three years before, and placed him prominently before the people of the city and province. This was but preliminary to greater honors in the appointment at the age of forty-nine to the offices of judge of vice-admiralty and of surveyor-general of the customs for the northern district. As has been

observed, the former commission lay dormant, and of practical necessity, for had he functioned in both rôles he would have argued cases before himself. The paucity of customs records, which successive fires in the London offices have brought about, makes it impossible to trace his conduct as surveyor-general, but such scraps as can be found justify the expectation of energy and thoroughness that one would form who had read his letters on imperial affairs. Probably few colonials were more fertile in ideas for imperial benefit, and his own success as a business man establishes a presumption that his projects were feasible; but the English government, not notably enterprising in colonial administration, did not as a general thing translate ideas into policy, or policy into action. They waited and waited, and then, after 1760, acted and lost.

Colonel Heathcote was undoubtedly a successful man in his business. The historian of Westchester speaks of him as the richest man in the county,[4] and another writes with reassuring definiteness that the Lord of Scarsdale, "the richest man of the day, died worth one hundred thousand pounds."[5] Unfortunately for the critical reader who likes to have his authors leave the ladders by which they have climbed to their general statements, neither has left notes and citations to his claim for the colonel's primacy in wealth. The first seems to neglect the possible claims of Adolph Philipse and the second apparently rests only on tradition. On the other hand, both may be true. It will be recalled that he arrived in

America in uncommonly easy circumstances, and he certainly increased his fortune by trade. He inherited substantial properties in New York City from his cousin George in 1710; and late in life some ten thousand pounds from his brother William.[6] It is reckoned that his personal property reached a total of twenty thousand pounds, though the great bulk of his fortune was in realty.[7] Stephen De Lancey's eldest son, James, who became chief justice and acting governor of New York, was far from being a poor young man, yet the great riches which later made him independent of tax-grudging assemblies were explained by his having married one of Caleb Heathcote's daughters.[8] The claim that the colonel died the richest man in New York, as his eldest brother died the richest commoner in England, may be right.

Yet, as we have seen, it was his moral quality that most distinguished him, not his wealth. There is plenty of evidence that he was a just, honest, friendly man who got on with other people. In an era of bitter controversies he seemed generally to preserve the good will and respect of both sides, as when he kept on amicable terms both with Colonel Lewis Morris and with Lord Cornbury, the governor who with a grand gesture gave his trade to the local shopkeepers to the sum of eight thousand pounds and never made a settlement, and who generously subscribed to every Christian enterprise and never paid a farthing.[9] He recognized the sad inadequacies of the latter, yet he contented himself in remarking to the authorities in London with mild innuendo that he hoped the next

governor would be a man really serviceable to the church. After the short administration of Lord Lovelace in 1709, Colonel Robert Hunter entered on a memorable term as chief executive. He had trouble enough with an assembly which insisted on voting financial support only year by year, thus making a mockery of the instructions the board of trade had given to the governor, but that contest was as nothing compared with his quarrel with a number of clergymen, including Mr. Vesey, rector of the parish of New York City. The governor, who once had had the honor to have his literary work ascribed to Dean Swift, trenchantly wrote down his adversaries even in the form of a satirical drama, while General Nicholson, the Reverend John Talbot, and others of the Vesey party hurled back their most savage rejoinders.[10]

It would seem inevitable that any prominent citizen, particularly an active churchman and a councillor, should be drawn into the controversy on one side or the other. Nothing speaks so well for Colonel Heathcote's fairness as that he saw the right on both sides, and may by his good offices have been of some effect in smoothing down these animosities. "He has for 17 years past," he wrote of Mr. Vesey, "with an unvaried diligence and steady application, an exemplary life and excellent good preaching, settled and brought together one of the first congregations in America." [11] He thought it was deplorable indeed that the vestry should refuse to pay the rector's salary while he was in England on church business. Yet Heathcote warned Hunter of the petition against

him which was circulating among the clergy[12] and cordially deprecated all attacks on the governor's character. In writing to the secretary of the Venerable Society he exclaimed: "The more I consider of Colonel Hunter's being represented as an enemy to the church, the more I am amazed at it; because no Governor in this province, that ever I knew, besides Col. Fletcher, did ever as heartily espouse her interest if we are to judge men by their actions." He wrote letter after letter urging the merits of both sides in these controversies, and afterward gave a full and excellent account of all his efforts in irenics.[13]

He seemed able to associate himself in enterprises with men whose reputations have ill stood investigation, and yet escape without a cloud upon his own name. His first partner was Captain Evans, who was implicated sooner or later in a variety of bribes; his second was Augustine Graham, described by the sharp-tongued Bellomont as a drunkard who went about breaking people's windows,[14] and by Colden as consistently neglectful of his duty as surveyor-general.[15] The colonel apparently found whatever was good in Governor Fletcher. Wenham and Fauconnier, the two commissioners of the revenue who served with him, have not fared well with historians. It is easier to believe that such men raised their standards to meet his in such association rather than that he let his down to theirs. Certainly he was not conscious of wrong-doing. In 1712, at the age of forty-six, he wrote: "I have the vanity to believe that my enemies If any I have (for God be thanked

I am myself so to no man breathing) will likewise find it difficult to blemish me in respect of my morals, having always been careful not to dishonour that Church in whose communion only I have hitherto lived and hope to die in, by a vitious and irregular life." [16] As has been remarked, he was an Anglican of Roundhead stock.

Colonel Heathcote was robust in body and strikingly so in appearance. Beyond an indisposition in 1712 which postponed the opening ceremonies of his second term as mayor of New York, there is little record of illness.[17] Life in America developed health as well as required it. Yet as he grew older the strains upon him told more heavily. His position on the council, retained under Governor Burnet, who came in 1719, very likely necessitated travel or, at least, considerable absence from Heathcote Hill. Finally, in the early morning of March 1, 1720/1, without warning he died of an apoplectic stroke, brought on, it was thought, by unusual exertions in philanthropic work. The brief obituary notice in the Philadelphia *Weekly Mercury* spoke as adequately as a volume of his place in the esteem of his generation and, despite some difficulties of syntax, may well stand as his epitaph: "He was a gentleman of rare qualities, excellent temper and virtuous life and conversation, and his loss lamented by all who knew him, which on the day of his death, went about doing good in procuring a charitable subscription in which he had made great progress."[18]

In his will, which he had written out two years

before his death, he had left the larger share of his possessions to his elder son, Gilbert. But that lad never succeeded his father as the lord of Scarsdale; he was sent to London to complete his education under the care of the uncle whose name he bore, but at the age of twenty he was fatally stricken with the smallpox.[19] Neither William, the second son, nor his sisters Mary and Elizabeth, all alive at the time of the will, reached maturity, and the manor and all other property passed on the death of Madam Heathcote in 1736 to the two surviving daughters: Anne, the wife of Chief Justice James De Lancey, and Martha, who had married Dr. Lewis Johnston, a son of Colonel Heathcote's successor as mayor of New York and himself a man of some scholarly attainments.[20] The joint holding was broken up in 1774 and the remaining farms sold to the tenants or to strangers.[21]

But though his name did not long survive him, the colonel's blood flowed on through many veins.[22] Could some faculty have been given him to watch through the succeeding years the branching of the family, he would have seen much to please him. That the De Lanceys, a little more than half a century later, took their stand with the king would have gratified him, for he had the temper of a loyalist. That in the following generation a daughter married the novelist of the American wilderness would have interested one who had been himself a pioneer. But that two of his descendants should be consecrated bishops of the church and incidentally

serve as college presidents would no doubt have given the deepest satisfaction, for the spread of piety and learning in this new world was the enterprise nearest his heart.[23]

The daily life of men has changed more since his time than in all the previous centuries of the Christian era. To-day from a pedestal high on the south façade of the city Hall of Records there looks down a statue of Caleb Heathcote, with flowing wig and mayor's robe all carved in granite.[24] Below is the Broad Way which he improved, the street that runs by old Trinity churchyard, where his bones lie buried,[25] and down to the Battery, where he spent so many hours in deliberation during his six-and-twenty years as councillor of the province of New York. Everywhere are signs of power and monuments of industry. Men are infinitely more in number than in the little neighborhood he knew; perhaps they move more swiftly than those with whom he walked. But are they kinder, truer, finer? The statue, being not very old, cannot be expected to reply.

NOTES

1. W. H. Hutton, *History of the English Church, 1625–1714*, p. 195.

2. 3 and 4 Anne, c. 10, § viii. G. L. Beer in his *Commercial Policy of England* (Columbia University, 1893), pp. 56, 91–106, has a clear, concise account of the English government's policy with respect to naval stores.

3. Heathcote to the Secretary, Nov. 9, 1705. Doctor Beveridge was intensely conservative and heartily condemned those who asked questions. It was in the midst

of the "comprehension" controversy that Archbishop Tillotson admonished him: "Doctor, doctor, charity is better than rubrics!" (*Dictionary of National Biography*). That Heathcote should know that Doctor Beveridge had recently been invested with the mitre is a bit of evidence that his interest led him to keep up to date on English church affairs.

4. Robert Bolton, *Protestant Episcopal Church*, p. 352.

5. *Memorial History of the City of New York*, vol. II, p. 245.

6. In his will he gives £9,000 out of this legacy; *N. Y. Historical Society Collections*, Wills, vol. II, pp. 233–235.

7. See E. F. De Lancey's article on James De Lancey in *N. Y. Doc. Hist.*, vol. IV, pp. 1037 *et seq.*

8. *Ibid.* Stephen De Lancey's will is in *N. Y. Hist. Soc. Coll.*, Wills, vol. I, p. 198.

9. Lewis Morris to the Secretary in 1708 [?], Hawks Transcripts, vol. I, p. 92.

10. His "Letter on Enthusiasm" was attributed to both Swift and Shaftesbury; see article on Hunter in *Appleton's Cyclopedia of American Biography*. His farce *Androborus* is a satire on Messrs. Nicholson, Vesey, *et al.* The only extant copy is in the library of Henry Huntington, Esq., but there is a complete photostat reproduction in the New York Public Library. The names of the persons satirized are written in ink after the characters in the *dramatis personæ*. The coarseness of diction throughout the piece would be rather too hearty for the modern taste.

11. Heathcote to the Bishop of Bristol, Feb. 25, 1715/16, N. Y. Gen'l Conv'n. MSS., I, p. 505.

12. Hunter to John Chamberlayne, Feb. 25, 1711/12, *N. Y. Col. Docs.*, vol. V, pp. 312–317.

13. Letter of Jan. 30, 1711/12; see R. Bolton, *Protestant Episcopal Church*, p. 420. See, *e. g.*, letters of Dec. 12, 1711, Jan. 5, Feb. 4, 14, 18, 23, March 6, 1712, June 13, 1714, in Hawks Transcripts.

14. *N. Y. Col. Docs.*, vol. IV, p. 719.

15. *N. Y. Doc. Hist.*, vol. I, p. 375.

16. Heathcote to the Secretary, Feb. 18, 1711/12, Hawks Transcripts, vol. I, pp. 362–363.

17. See *Common Council Minutes*, vol. III, p. 17.

18. Isaac Bobin to George Clarke, March 1, 1720/1, and to Governor Burnet, March 6, 1720/1, pp. 64–65, *Letters of Isaac Bobin, Esq., Private Secretary of Hon. George Clarke* (Albany, 1872); Philadelphia *American Weekly Mercury*, March 11, 1721. There was no newspaper in New York at that time.

19. E. D. Heathcote, *Families of Heathcote;* E. F. De Lancey, in Scharf, vol. I, p. 153. *The New York Genealogical and Biographical Record* for July, 1905, pp. 172–173, prints an article entitled "New York Gleanings in England," which is made up chiefly of extracts from wills. Two items are as follows: "Cuthbert [probably misread for Gilbert] Heathcote, late of New York, batchelor. Administration 10 July, 1731, to mother Martha Heathcote. Admon. Act Book, 1731." "Mary Heathcote of New York, spinster. Administration 10 July, 1731, to mother Martha Heathcote. Admon. Act Book, 1731."

20. See B. F. Thompson, *History of Long Island*, vol. II, under Col. William Smith, and D. T. Valentine, *Manual for 1864*, p. 668.

21. The history of the manor after Colonel Heathcote's death is traced by E. F. De Lancey, *loc. cit.*

22. See the genealogical table inserted in Robert Bolton's *History of Westchester County* (1st edition), vol. II, p. 102.

23. William Heathcote De Lancey (1797–1865), son of John Peter De Lancey, son of James De Lancey and Anne Heathcote, after a brilliant career as a young clergyman in New York City was made provost of the University of Pennsylvania in 1827, though not yet thirty years of age. After serving in this position and then as rector of St. Peter's Church in Philadelphia, he was made Bishop of Western New York, where he exerted much influence on education; see article by E. F. De Lancey in *Appleton's Cyclopedia of American Biography.* Charles Pettit McIlvaine (1799–1873), the great-grandson of Doctor Johnston

and Martha Heathcote, became Bishop of Ohio and President of Kenyon College; see G. F. Smythe, *History of Kenyon College* (New Haven, 1924). Portraits of both men may be found in C. B. Wheeler's *Heathcote Manor*.

24. The statue is by Philip Martini. The other portrait statues along the façade are of David Pieterson de Vries, Peter Stuyvesant, James Duane, De Witt Clinton, Cadwallader D. Colden, Philip Hone, and Abram S. Hewitt, all mayors of New York City except the first two.

25. E. F. De Lancey, in Scharf, p. 153, states this with full assurance on the basis of family tradition, but there is no mention of the interment in the Trinity Church records; letter from W. F. L. Aigeltinger, clerk of the parish, to the author, August 5, 1924.

APPENDIX

APPENDIX

MANOR GRANT OF THE MANOR OF SCARSDALE

[As attested on comparison with the original by the Secretary of State and the Deputy Secretary of State of the State of New York, September 1, 1884; see E. F. De Lancey's "Origin and History of Manors in New York, and in the County of Westchester," in J. T. Scharf, *History of Westchester County, New York* (Philadelphia, 1886), Vol. I, pp. 141–143.]

WILLIAM THE THIRD by the Grace of God of England, Scotland, France & Ireland, King, Defender of the faith &c. To all to whom these presents shall come sendeth greeting; Whereas our loving subject CALEB HEATHCOTE, Esqr. hath petitioned the Hon.ble John Nanfan our Lt. Govern'r, & Command'r in Chief of the Province of New Yorke in America, & our Councill of the said Province, for a confirmation of a tract of land in the *County of Westchester*, *Beginning* at a marked tree by Mamoronack River w'ch is the eastermost side of the Northern bounds of Mamoronack Township, being about two miles from the country road & to run along the sd. River to the head thereof, & thence on a north line until eighteen miles from the said marked tree is compleated; westerly, beginning at the marked tree or a great rock being the westermost part of the northern bounds of the aforesd. township, being about two miles from the country road, & thence to run northerly eighteen miles as the line on the eastermost side of the said land runeth, including in the sd. Mannor his eighth parte of the two miles laid out for the town of Mamoronack, with the lott he now liveth on, & the lott bought of Alice Hatfeild, w'th the lands & meadows below westerly to a path to him belonging by virtue of his deeds & conveyances, parte of w'ch land within ye bounds aforesd. was purchased by Jno. Richbell from ye Native Indian Pro-

prietors w'ch sd. Jno. Richbell had a grant & confirmation for ye same from Coll. Fra'c's. Lovelace, late Gov'r. of ye sd. Province, & the right of ye sd. Jno. Richbell therein is legally vested in the sd. Caleb Heathcote, & other parte has been purchased by ye sd. Caleb Heathcote of ye Native Indian Proprietors; & whereas ye sd. Caleb Heathcote hath further petitioned our sd. Lt. Governor & Councill that ye sd. tract of land may be erected into a Mannour by ye name of ye Mannour of *Scarsdale*, whereupon our sd. Lt. Govern'r by & w'th ye advice of our Council Directed a Writt to ye high Sherrife of ye sd. County of Westchester to enquire to w't damage such patent would be, w'ch writt issued accordingly, w'th a proviso that it should not give ye sd. Caleb Heathcote any further title then which he already hath to ye lands called ye White Plains, w'ch is in dispute between ye said Caleb Heathcote & some of the inhabitants of the *town of Rye*, whereupon the sd. sherrife returned yt the Jurors found that there is no damage to the King, or his subjects, in erecting the Mannour aforesd., except ye sd. white Plains w'ch are in dispute & contest between ye sd. Caleb Heathcote & the town of Rye, & excepting James Mott & the rest of ye freeholders of Mamoronack who have deed within the patent of Richbell; *Know yee* that of our special grace, certain knowledge, & meer motion, wee have given, granted, ratified, & confirmed, & by these presents, doe for us, our heires & successors, give, grant, ratifye, & confirme, unto ye sd. Caleb Heathcote, his heires, & assignes, All & every ye aforesd. tracts & parcells of land and meadow w'thin ye respective limits & bounds beforementioned & expressed, together w'th all & every ye messuages, tenem'ts, buildings, barnes, houses, out-houses, fences, orchards, gardens, pastures, meadows, marshes, swamps, pools, ponds, waters, water courses, woods, underwoods, trees, timbers, quarries, runs, rivers, rivoletts, brooks, lakes, streames, creeks, harbores, beaches, bayes, islands, ferries, fishing, fowling,

hunting, hawking, mines, mineralls, (royall mines excepted) & all the rights, members, libertys, privileges, jurisdiccons, royaltys, hereditam'ts, profitts, benefitts, advantages, & appurtenances, w'tsoever, to aforesd. severall & respective tracts & parcels of land and meadow belonging, or in any wise appurteining, or accepted, reputed, taken, known, or occupied, as parte parcell or member thereof, To Have and to Hold all the aforesd. severall & respective tracts, & parcells of land & meadow & premises w'thin the respective limitts & bounds aforesaid, w'th all & every of their appurtenances, unto him the sd. Caleb Heathcote, his heirs, & assigns, to the only proper use & behoof of him the sd. Caleb Heathcote, his heires & assignes forever, provided that nothing herein conteined shall be construed, deemed, or taken, to give the sd. Caleb Heathcote any further title then what he now, by virtue of these our letters patents, lawfully hath to ye sd. white Plaines in dispute as aforesaid nor any jurisdiction w'thin the sd. White Plaines untill the same shall happen to belong to the sd. Caleb Heathcote, and moreover, *Know yee* that of our further speciall grace, certain knowledge, & meer motion, wee have thought fitt to erect all the aforerecited tracts & parcells of land & meadow, w'thin the limitts & bounds aforesaid, into a Lordship and Mannour, except as before excepted, and therefore by these presents wee doe for us, our heires, & success'rs erect make & constitute all the aforerecited tracts and parcells of land and meadow within the limits & bounds beforementioned (except as before excepted), together w'th all & every the above granted premises, w'th all, and every, of their appurtenances, into one Lordship or Mannour, to all intents and purposes, & it is our royal will and pleasure, that the sd. Lordship and Mannour shall from henceforth be called the Lordship and Mannour off Scarsdale; and *Know yee* that wee reposing especiall trust & confidence in the loyalty, wisdome, justice, prudence, & circumspection,

of our sd. loveing subject, doe for us our heires & success'rs give & grant unto the sd. Caleb Heathcote, his heires & assignes, full power & authority, at all times forever hereafter, w'thin the sd. Lordship or Mannour, one Court Leet & one Court Baron, to hold, & keep, at such time & times, & so often yearly, as he or they shall think meet, & wee doe further give & grant to ye sd. Caleb Heathcote, his heires & assignes, all fines, issues, & amerciaments, at the sd. Court Leet & Court Baron to be holden within our said lordship or manor, to be sett, forfeited, or imposed, or payable, or happening, at any time to be payable, by any of the inhabitants of, or w'thin, the said Lordshipp or Mannour of Scarsdale or the Limitts & bounds thereof, & also all & every power & powers, authority & authorityes, for the holding & keeping, the sd. court leet, & court baron, from time to time, & to award & issue out, the accustomed writts to be issued & awarded out of courts leet & courts baron, as also that the sd. court leet and court baron be kept by the sd. Caleb Heathcote his heirs and assignes forever, his, or their, or any of their, stewards deputed & appointed, w'th full & ample power & authority to distrain for the rents, services, & other sumes of money, payable by virtue of ye premises & all other lawful remedys & means for the haveing, possessing, levying, & enjoying the premises, & every parte & parcell of the same, & all waifes, estrayes, deodands, & goods of fellons, happening, or to happen, being or to be, forfeited, w'thin the sd. Lordship or Mannour of Scarsdale. And wee doe further give & grant unto the said Caleb Heathcote his heires & assignes, that all & singular ye tenants of him the sd. Caleb Heathcote, within the sd. Mannour, shall & may at all times hereafter meet together & choose assessors within the man'r aforesd. according to such rules, wayes, & methods, as are prescribed for cities towns & counties within our sd. province, by ye acts of Generall of Assembly for defraying the publick charge of each respective city, town, & county,

aforesaid, & all such sumes of money so assessed & levyed, to collect & dispose of, for such uses, as any act or acts of the sd. gener'll assembly shall establish & appoint, to have, hold, possess, & enjoy, all & singular the sd. Lordship or Mannour of Scardsale & premises, with all & every of their appurtenances, unto ye sd. Caleb Heathcote, his heirs & assignes, forever, and that the sd. Lordship or Man'r aforesd. shall be & forever continue free & exempt from the jurisdicson of any town, township, or Manour, whatsoever, to be holden of us, our heires & successors, in free & comon soccage according to the tenure of our Mannour of East Greenwich in the county of Kent, w'thin our Kingdome of England, yielding rendering and *paying* therefore, *yearly*, & every year, forever, at our city of New Yorke, unto us our heires & successours, or to such officer or officers as shall from time to time be impowered to receive the same, *five pounds* currant money of New Yorke, upon the Nativity of our Lord, in lieu & stead of all services, ducs, duties, or demands, whatsoever.

In testimony whereof wee have caused the great seale of our province of New Yorke to be hereunto affixed. Witness John Nanfan Esqr. our Lt. Governour & Comander in Chief of our Province of New York & territories depending thereon, in America.

Given at fort William Henry in our city of New Yorke this 21st day of March in the fourteenth year of our reign Anno Domini 1701 [1702, new style].

By his Honrs. comand JOHN NANFAN

M. Clarkson Secry.

INDEX

INDEX

Albany, 242
Anglicanism, 195 *et seq.*
Apprenticeship, 132.
Armonk, 78
Assembly, residence qualification, 29; name, 39; and church law, 198–200
Assize of bread, 132
Atheists, 201
Attorneys, 50, 139
Atwood, Leigh, 75, 76, 77
Atwood, William, 43, 76

Bagley, John, 63
Baldridge, Adam, 23
Baltimore, Lord, 98
Baptists, 201
Barnes, Capt. [William], 56
Bartow, Rev. John, 208–209, 218, 222, 239
Bayard estate, 138
Bayard, Nicholas, 16, 19, 21, 28, 31, 42–43
Bayard, Samuel, 135
Bedford, with Rye in "rebellion," 46–49; contiguous to Cortlandt, 72, 73; boundary overlapped, 78; titles clouded, 88; schools in, 231; settlement, 243
Beeckman, Gerardus, 20, 44, 83
Bellmen, 131
Bellomont, Richard Coote, Earl of, his style, 22; trouble with merchants, 23; suspends councillors, 27–28; death, 29; bent on reform, 60, 70, 74; and the land grants, 81–85, 116; on naval stores, 144; his letters, 174; his plan to checkmate French, 175; lukewarm Anglican, 200; jaundiced accounts, 201
Beveridge, Bishop William, 274, 281–282
Bickley, May, 131, 138
Biography, 1–4
Birchfield, Maurice, 178, 184
Bishop, question of a, 225–227, 240–241
Bishop of London, 198, 233
Blathwayt, William, 125
Bondet, Rev. Daniel, 206–207, 217, 238
Bowers, Rev. [Nathaniel], 248
Bray, Dr. Thomas, 213
Bridgeport (Stratfield), Conn., 252
Bridger, John, 153
Bridges, Ann, 80, 87
British Empire, term used by Heathcote, 147, 172, 174
Broadway, 132
Bronck, Jonas, 72
Brook, Lord, 98
Brooke, Chidley, 16, 18, 27, 124, 125
Byerly, Thomas, 126

Cardwell [Thomas], 228
Carmen, 132
Carr, Sir George, 99
Case, Thomas, 201, 234
Casting, Samuel, 202
Chancery, Master in, 53
Chappaqua, 78
Chesterfield, 4
Cholwell, John, 77
Church of England, 195 *et seq.*
Civil service, British, 127, 176
Clarke, George, 126
Clarke, Capt. [Thomas], 212
Clarkson, Matthew, 44, 53, 75–76, 77, 78
Cleator, Joseph, 230–231
Coates, Edward, 24
Colden, Cadwallader, historian, 20, 40; remembers heyday of piracy, 24; surveyor-general, 67; complains of Graham, 88; comments on land grants, 89, 116; on a Parliamentary revenue, 184
Collier, Benjamin, 49

Collier, Edward, 59
Colonization, *see* Mercantilism
Commons, the, 132
Connecticut, and customs duties, 184–185; and population, 241, 246; Anglican church, 243 *et seq.*; toleration of Anglicans, 261–262
Cooper, J. Fenimore, 251–252, 280
Cornbury, Edward Hyde, Lord, 30; arrives in New York, 31; restores old councillors, 81, 84, 87; Hyde Park named after, 92; and Heathcote, 127; as a forger, 137; characterized, 146; and induction, 208; and case of Jamaica, 226, 228; Heathcote friendly with, 276
Cosens, Barne, 75, 76, 77, 87
Council, of the province, 16, 17, 18, 31–32
Court of Common Pleas, 53
Court, Mayor's, *see* Mayor's Court
Court of pie powder, 58
Court, Prerogative, 53, 63
Court of Sessions, 50–53, 61, 62, 136
[Cranston, Samuel], Governor of Rhode Island, 188, 189
Cumings, Archibald, 184
Customs, 124–126, 176–189, 192
Cutler, Rev. Timothy, 262

Dawsonne, Mary, 7, 112
Defense of the frontier, 8, 11, 18, 30
De Lancey estate, 138
De Lancey, James, 276, 280
De Lancey, Stephen, 24, 276
De Lancey, Bishop William Heathcote, 280, 283
Dellius, Rev. Godfrey, 83, 116
De Lucuna, Abraham, 135
Denham, Rev. [Thomas], 248
Deodand, 108–109, 121
De Peyster, Abraham, 44
De Peyster, Cornelius, 75, 76, 77
De Peyster estate, 138
Dinwiddie, Gov. Robert, 184
Dongan, Governor Thomas, 131, 203
Dudley, Joseph, 143, 237
Duke's laws, 196
Dutch, the, 14, 15, 22, 50, 68, 98, 196
Dutchess County, 70–71, 80
Dyer, William, 177

Eastchester, 61, 202, 203, 205, 208, 228, 239
Emott, James, 71
Evans, Rev. Evan, 258
Evans, John, 11, 36, 85, 278
Excise, 27

Fairfield, Conn., 178, 252, 258
Fauconnier, Peter, 93, 125, 126, 278
Faversham, the, 134, 157
Feudalism, 96–101
Firewood, 12, 132
Fletcher, Benjamin, political career, 12–13, 16, 19–26; and militia, 45; grants land to Harrison, 47; scandalous activity in land grants, 69–70, 83; and West patent, 75; on naval stores, 144; attitude toward a state church, 197; proposes church law, 198, 234; desires amendment, 199; and Trinity Church, 211; and church, 278
Fordham, 101
Fowler purchase, 105
Fox Meadow, 105
French, Philip, 31
French, the (*see also* Huguenots), privateers, 157–158, 163; plans against, 164–166; and Iroquois, 167; characterized, 168; fear of, after Treaty of Utrecht, 169–172

George, Thomas, 139
Germans, 14, 117, 154, 159, 160, 161, 196
Glover, Richard, 24
Godolphin, Sidney, 146
Graham, Augustine, 70, 88, 278
"Great Nine Partners," 71
Greenwich, Conn., 248, 252
Guilds, 58, 117

Half-way Covenant, 263
Hamilton, Alexander, 67
Harison, Francis, 131, 191, 194

Harrison, John, 47, 73, 75, 104
[Harvard College], called Boston College, 224, 240, 247
Heathcote, Anne, 280, 283
Heathcote, Caleb, birth, 6, 33; disappointed in love, 7; comes to New York, 8–9, 35, 266; as a merchant, 11–12, 36, 39; a councillor, 12-32, 36, 267; loans money, 19, 20, 40; buys ship, 25–26; farms Westchester excise, 27; dismissed, 27–28; in assembly, 29–30; signs address to Lord Cornbury, 30–31; restored to council, 31–32; ancestors, 32; family, 33; made a colonel and judge advocate, 44–49; a justice of the peace, 50; on court of sessions, 50; on court of common pleas, 53; master in chancery, 53; established in Westchester, 54–59; naturally drawn into land speculation, 66–67, 69; buys in Dutchess County, 70–71; buys West Patent, 72–73; thoroughness in business, 73; difficulty in West Patent, 75–78; buys Middle Patent, 79; buys East Patent, 80; loses Ann Bridges Patent, 80–81; granted two parts of King's Garden, 81–85; has to repurchase to insure title, 86–87; his law-suit, 87–88; self-restraint in land speculation, 89; and the "Indenture Decempartite," 90; purchase from Katonah, 93; design for a manor, 102; purchases Richbell's land, 103; agreement with Rye as to White Plains, 104; buys Fox Meadow, 105; Manor grant, 105–110; builds manor house, 110; marries, 111–114; builds mills, 114–115; and inhabitants, 115; later activity as a merchant, 124; and the collectorship, 124–126; seeks governorship, 126–129; his city property, 129–130, 137, 138; mayor of New York, 130–136; continues on court sessions, 136; a "prerogative man," 143; turns attention to naval stores, 144–175; in a Connecticut lumber company, 17, 145; a shipbuilder, 148; appointed surveyor-general of the customs for the Northern department, 176–179; on the New England colonies, 179; for an imperial revenue to pay officers and war expenses, 179–182; collects data toward that end, 183; and Massachusetts, 184; and Connecticut. 184–185; and Rhode Island, 185–189; a boundary commissioner, 190; judge of vice-admiralty, 190–191, 194; wants English church to follow English flag, 195; an Anglican of Cromwellian stock, 196, 267; his plans for the church, 197; important in early church legislation, 200; takes up spiritual condition of Westchester, 201; orders militia to observe the Sabbath, 202, 203; effect in the county, 202–203; inspires order on Sabbath observance, 203–205; report on churchmen in Westchester, 205; says established dissent impossible, 206; attempts to introduce Mr. Bondet, 207; superintends building a church 207–208; induces Mr. Bartow to remain in Westchester, 208–209; gains glebe for him, 209; induces Fletcher to induct Mr. Vesey, 210; active in planning and building Trinity Church, 211–212; made member of Society for the Propagation of the Gospel in Foreign Parts, 213–214; turns attention to Rye parish, 214–215; promotes building a church, 216; turns attention to New Rochelle, 217; promotes church building in New Rochelle, 219; desires another parish, 218, 220, 221, 223; calls parishioners niggardly, 221; becomes "watch" of the S. P. G., 221–

222; on missions to the Indians, 222–223; approves missionaries, 223; advises quarterly meetings for missionaries, 225; desires bishop, 225–227; counsels mild methods, 227–228, 241; reports on population, 228, 241; promotes schools, 229–233; and Sunday-schools, 232; in vestry of Trinity, 236; determines to Anglicanize Connecticut, 243–245; describes Connecticut, 246–250; journeys to Stratford, 251–253; second journey, 254–256; third journey, 257–258; suggests Mr. Muirson as missionary, 259; characterized by Mr. Muirson, 259–260; applies to Trinity Church for aid, 260–261; other visits to Stratford, 260, 261, 265; summary, 266–284; wealth, 275–276; agreeable temper, 276–277; virtuous though associated with those not so reputed, 278–279; death, 279; will, 279–280; progeny, 280–281; interment, 281, 284.
Heathcote, Elizabeth, 280
Heathcote, George (d. about 1698), 6
Heathcote, George (d. 1710), 8, 34–35, 129–130, 138, 276
Heathcote, George (d. 1740), son of Josiah, 33
Heathcote, Gilbert (d. 1690), 4, 5, 35
Heathcote, Gilbert (d. 1727), 280, 283
Heathcote, Sir Gilbert (d. 1733), eldest brother of Caleb, 5; agent for Jamaica (W. I.), 6; outfits troops in New York, 8; in interloping trade, 10; error in reference to, 34; supports Caleb for governor, 127–128; lord mayor of London, 130; probably in part responsible for Caleb's honors in 1715, 176
Heathcote, John, 6
Heathcote, Josiah, 6, 8
Heathcote, Martha (Caleb's daughter), 280
Heathcote, Mrs. Martha Smith, 6, 111–114, 280
Heathcote, Mary, 280, 283
Heathcote, Samuel, 6, 7, 8, 34, 125, 128
Heathcote, William (Caleb's son), 280
Heathcote, William (d. 1719), 6, 8, 276
Heathcote, Sir William (d. 1751), son of Samuel, 33
"Heathcote Hill," 110–111, 121
Hedges, Sir Charles, 155
Hoar [John], 24
Horses, assessed value of, 52; hunting of, 205, 235
Horton, John, 79
Hostier, John, 50
Hufeland, Otto, library of, 93
Huguenots in New York City, 14, 15; in Westchester County, 50; in New Rochelle, 154; in province, 196; and Mr. Bondet, 206; their Anglican church 217–219.
Hunt, Josiah, 59
Hunter, Gov. Robert, and Palatines, 117; appoints Heathcote mayor, 130; and Connecticut boundary, 190; appoints Lewis Morris judge of vice-admiralty, 191; licenses a church in New Rochelle, 219; in S. P. G., 237; quarrels with Vesey party, 277; as a writer, 282
Hutchins, John, 31

Impressment, 152
Independent companies, 144, 149, 152, 162, 174
Indians, and land sales, 68; Kitchawancs, 72; character of land deeds, 73; Siwanoys, 105; Catawbas, Tuscaroras, and Yemassees, 164; King Philip's War, 164; Indian relations, 164–165, 170; Iroquois and French, 167–168; and Carolina, 170
Interest rate, 19, 40

Jamaica, 226, 228
Jamison, David, 71, 139
Jennings, John, 63

Jews, 14, 135, 212
Johnson, Rev. Samuel, 262, 273
Johnston, Dr. Lewis, 280
Jones, Rev. [John], 248

Kay, Nathaniel, 188, 189
Keith, George, 213, 234
Keith, Sir William, 173, 184
Kidd, William, 28
Kimberly, Eleazer, of Connecticut, 48, 61
King, Rufus, 67
Knight, Sarah, 252

Lawrence, John, 28, 41
Lawyers, 50, 139
Le Forgeson, Louis, 219
Leggett, Gabriel, 45, 62
Leisler, Jacob, 21, 41, 76, 164
Levy, Moses, 135
Liquor legislation, etc., 27, 135, 205
Livingston, Philip, 135
Livingston [Robert], 83, 116.
Locke, John, 98
Lockhard, Robert, 87
Lovelace, John, Lord, 129
Lurting, Robert, 77

Mackenzie, Rev. Æneas, 222
Mamaroneck, 102, 110, 221, 231
Manors, in New York, 96–102, 119–121, 123 (*see also* Scarsdale); in Maryland, 108, 118; elsewhere, 118
Manufacturing, 149, 154, 155–156, 175
Marshall, Jarvis, 71
Marshall, Chief Justice [John], 67
Maryland, manors, etc., in, 108, 118; clergy in, 223
Mason, William, 25
Massachusetts, not so troublesome *in re* customs duties, 184; called Boston Colony, 246
Mather, Rev. Warren, 205–206, 207
Mathews, Peter, 80, 93
Mayor's court, 133–135
McIlvaine, Bishop Charles Pettit, 280, 283
Mein, Patrick, 177
Mercantilism, 10, 23, 33–34, 140–142
Merchants, in New York, 9–10
Militia, 44–46, 60
Miller, Rev. John, 201, 210, 226
Mills, 55, 56, 57
Mills, Jonathan, 115
Millwood, 78
Minviele, Gabriel, 19, 129, 138
Misselden, Edward, 140
Mompesson, Roger, 190
Montague, John, 83
Moreau, Nicholas, 240
Morgan, Rev. [Joseph], 208
Morris, Gouverneur, 67
Morris, Lewis, granted a manor, 101; supports Heathcote for governor, 127; judge of vice-admiralty, 191, 194; an Anglican of Cromwellian stock, 196; admits deceit in church law, 200; on New England, 201; to help New Rochelle Huguenots, 218; a "watch" for the S. P. G., 221; and King's College, 233; first American member of the S. P. G., 237; friend of Heathcote, 276
Morris, Richard, 191
Morris, Capt. [William], 212
Mott, Captain, 87
Mount Kisco, 78
Muirson, Rev. George, comes to Rye, 215–216, 245; away from Rye, 231; suggested by Heathcote for work in Connecticut, 249; his visits to Stratford, 250–260; characterized, 259; marriage, 260; death, 261
Muirson, Mrs. Glorianna Smith, 260
Muirson, Heathcote, 264

Nanfan, John, 29, 30, 74, 75, 77, 78, 93
Naval stores, chapter VI
Negro plot, 133
Nelson, Francis, 115
Newcastle, 73
New Haven, 245
New Rochelle, 154, 217, 218, 220, 238
New York, the city, 13-15, 37, 130–134, 233
New York, the province, 15

Nicholson, Sir Francis, with Vetch calls conference, 164; to help New Rochelle Huguenots, 218; member of S. P. G., 237, 273; against Hunter, 277; satire on, 282
Nicoll, William, 16, 28, 29
North Carolina and Indians, 170; and naval stores, 173; and the Sabbath, 203; clergy in, 223
North Castle, 73, 78
Norwalk, Conn., 252

Palatines, *see* Germans
Parliament and taxation in America, 179–184
Peartree, William, 20
Pelham, 101, 121
Pell, John, 123
Pennsylvania, customs, 11; superior attractions for immigrants, 85, 86, 91; manors in, 100, 118; population, 228, 241
Philipse, Adolph, 80, 115, 123, 275
Philipse, Frederick, 16, 19, 23, 28, 72, 101, 129, 139
Pie powder, court of, 58
Pinhorne, William, 28
Piracy, 22–26
Ponton, Richard, 45, 63
Popple, William, Jr., 153
Poundridge, 80
Pritchard, Rev. Thomas, 215, 237, 245
Purdy, Joseph, 79, 83

Quakers, 201, 213

Raikes, Robert, 232
Randolph, Edward, 11, 143, 178
Reed, Rev. [John], 253, 256, 258
Regnier, Jacob, 139
Revenue, 27, 43, 52–53
Rhode Island, and customs duties, 185–189
Richbell, Ann, 73, 103, 104
Richbell, John, 73, 102
Road, survey, 17; maintenance, 37–38, 51, 52
Rye, "Rebellion," 46–49; claims to White Plains, 48, 103–104; Rev. John Bartow assigned to, 208; Heathcote's interest in the parish, 214–216; finances of the parish, 221; schools in, 231–232; church in, 237–238, 243; population of, 238; settlement, 248

Sabbath observance, 132, 203–205
Saltonstall, Gov. Gurdon, 185
Say and Sele, Lord, 98
Scarsdale, 105–116, 285–289
Scavengers, 131
Schenectady, 58
Schools, 18, 211, 229–233
Schuyler, Peter, 16, 31, 44, 83, 116
Scofield, Richard, 93
Secker, Archbishop [Thomas], 223, 239
Seymour, Gov. [John], 203
Shackmaple, Capt. John, 185
Sharpe, Rev. John, 218, 219, 223, 264
Shirley, Gov. William, 144, 184
Slater, Richard, 75, 76, 77
Slaves, 115, 133, 134
Sloughter, Gov. Henry, 9, 21, 197
Smith, Glorianna, *see* Mrs. G. S. Muirson
Smith, Martha, *see* Heathcote, Mrs. Martha Smith
Smith, Rev. Symon, 210
Smith, William (the historian), 20, 40
Smith, William ("Tangier"), chief justice and councillor, 16; continuing his service as governor pro tem., 29; Heathcote defends, 30; granted manor of St. George, 83, 101; career, 112–113; his daughters, 112, 260
Society for the Propagation of the Gospel in Foreign Parts, 213, 214, 223–224, 225–228, 247
Spotswood [Gov. Alexander], 144, 175, 197
Staats, Dr. Samuel, 87
Stamford, Conn., 49, 252
Stratfield (Bridgeport), Conn., 252
Stratford, Conn., 250–262, 263–264
Stuyvesant estate, 138

Sunday-schools, 232
Symes, Lancaster, 75, 76, 77, 88

Talbot, Rev. John, 240
Talbot, St. George, 128
Tew, Captain, 24
Theale, Joseph, 79
Thomas, Rev. John, 222
Throckmorton, John, 63
Tillotson, Archbishop [John], 274
Titles, 16–17, 38–39
Townshend, Lord, 163, 192
Treat, Robert, governor of Connecticut, 47
Trinity Church, Fletcher's pew, 21; incorporated, 199–200; 211; Heathcote secures Rev. William Vesey for, 210; Heathcote important in building, 211–212, 236
Triton, the, 135, 157
Trott, Nicholas, 237
Tyler, Moses, 115

Union of the colonies, proposed by Heathcote, 165
Urmstone, Rev. John, 223
Urquhart, Rev. [William], 222

Van Cortlandt, Jacobus, 131
Van Cortlandt, Stephen or Stephanus, 16, 19, 44, 72, 83, 101, 129, 137
Van Dam, Rip, 134
Vanderburgh, Dirck, 87
Van Rensselaers, 99
Vesey, Rev. William, 114, 131, 207, 210, 251, 277, 282
Vetch [Samuel], 164
Vice-Admiralty, judge of, 176, 190–191, 193–194
Virginia, clergy in, 223

Wages, 37, 52, 144, 211
Waifs and estrays, 109
Walker, Edmund, quoted, 7
Walters, Robert, 75, 76, 77
Wanton, John, 188–189
Watch, the, 132
Weaver, Thomas, 76, 77, 124, 125, 126
Wenham, Thomas, 31, 125, 264, 278
Wessels, Bathsua, 123
Wessels, Dirck, 29
Westchester, Borough Town, 54–59, 64, 203, 205, 208–209, 220, 221, 235
Westchester County, 61–62; religious conditions, 201 *et seq.*
Whales, drift, 122, 211
Whitehead, Mr. Justice, 201
White Plains, 103–104
Wigs, 43, 133, 134
Wileman, Henry, 139
Willet, Thomas, 16, 28, 44
Williams, John, 55
Williams, Thomas, 62
Win, Peter, 115
Wolf pits, 51
Woodbridge, Rev. [Benjamin], 248

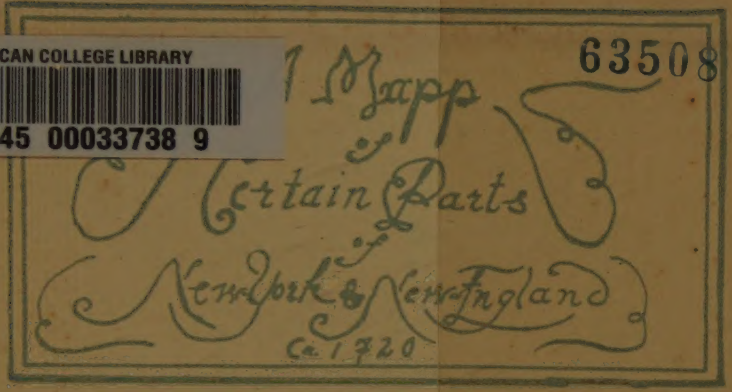
[Yale College], 247
Yonkers, 203, 205, 220
Young, John, 28, 41, 44

DATE DUE

F 122 . H43
Caleb Heathcote, gentleman colonist

DOMINICAN COLLEGE LIBRARY
3 3645 00033738 9

63508



F 122 .H43
Fox, Dixon Ryan, 1887-
Caleb Heathcote, gentleman colonist
508
Dominican College Library
San Rafael, California